



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

REVIEW OF THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT

Background Study

**BACKGROUND PAPER ON THE OPERATIONS OF THE CANADIAN ENVIRONMENTAL
ASSESSMENT ACT AS IT APPLIES TO PROJECTS OUTSIDE CANADA**



**DISCUSSION PAPER ON THE OPERATION OF
THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT*
AS IT APPLIES TO PROJECTS OUTSIDE CANADA**

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Executive Summary

This discussion paper reviews the application of the *Canadian Environmental Assessment Act* (the Act) and the *Projects Outside Canada Environmental Assessment Regulations* (POC Regulations) to projects outside Canada. Consideration is given to whether the goals of the Act and the POC Regulations are being met and it identifies regulatory and non-regulatory options for addressing issues and concerns that emerged.

The specific issues and concerns identified are summarized in four themes regarding the experiences to date with respect to the operation and application of the Act to projects outside Canada.

First, there is widespread support for the application of sound environmental assessment (EA) processes as defined in the Act for projects outside Canada. While the discussion paper identifies issues with respect to the Act and POC Regulations in their present form, the principles of the Act, including early application, accountability of action, and some form of participatory process, are supported. In fact, the stakeholders interviewed for this assignment consider EAs as an important practice for their organization. Thus, there is a commitment to conducting EA for projects and willingness by all parties to develop a process that is appropriate for projects outside Canada.

Secondly, there is a belief that the Act and the POC Regulations in their present form do not provide for an efficient and effective assessment of the environmental effects of projects outside Canada. The great majority of stakeholders interviewed for this study believed that the Act does not address their needs and limits the implementation of sound EA practices. There are several examples cited in this discussion paper where the application of the Act results in ambiguity or duplication.

Thirdly, there is belief that the Act and the POC Regulations do not sufficiently consider the standards-of-operation¹ of partner countries, or sufficiently deal with issues regarding sovereignty. It is recognized that the intent of the POC Regulations was to address these two above-noted issues, however experience has demonstrated that the provisions were not adequate. Therefore, a more flexible EA process is required that better addresses partner countries' standards-of-operation and does not generate perceived breaches of sovereignty.

¹ "Standard-of-operation" is used to mean the approach to conducting business and it includes factors such as language, religion, social etiquette, and technology and government regime. It is important to recognize that the "standard-of-operation" in a foreign jurisdiction may be substantially different from the "standard-of-operation" in Canada.

Finally, interviewees were consistent in their desire to see greater legislative certainty for application of the Act outside Canada. Departments or agencies that fund or conduct project outside Canada have expressed a need for:

- a better definition of a project;
- for the exclusion of some projects from the Act;
- for a legislative requirement to conduct more in-depth assessments on higher risk projects;
- for a definition of public; and,
- for the elimination of duplicate EA processes.

Given the differences between the two major RA's CIDA and DFAIT, this report will recommend the development of two distinct mechanisms for assessing the environmental effects of projects outside Canada. For DFAIT, the study recommends the continued use of the Act and POC Regulations, with appropriate amendments. For CIDA, the study recommends the development of a separate mechanism to address the assessment of environmental effects on foreign aid projects.

DISCUSSION PAPER ON THE OPERATION OF THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT* AS IT APPLIES TO PROJECTS OUTSIDE CANADA

Table of Contents

EXECUTIVE SUMMARY	1
INTRODUCTION	2
Purpose of this Document	2
Study Methodology	3
Background	5
Experience to Date Implementing <i>Projects Outside Canada Environmental Assessment Regulations</i>	8
ISSUES IN RESPECT TO THE ACT AND THE POC REGULATIONS	16
Determining whether the Act applies	16
Challenges to implementing the POC Regulations	30
Constraints of operating in a foreign jurisdiction	41
 APPENDIX A:	STAKEHOLDERS CONSULTED
APPENDIX B:	SUMMARY OF RECOMMENDATIONS
APPENDIX C:	ENVIRONMENTAL ASSESSMENTS CONDUCTED BY CIDA
APPENDIX D:	ENVIRONMENTAL ASSESSMENTS CONDUCTED BY DFAIT



Glossary of Terms

Agency	The Canadian Environmental Assessment Agency (the Agency)
Act	<i>The Canadian Environmental Assessment Act (the Act)</i>
CEA	Canadian Executing Agency
CIDA	Canadian International Development Agency
DFAIT	Department of Foreign Affairs and International Trade
DND	Department of National Defence
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EARPGO	<i>Environmental Assessment and Review Process Guidelines Order</i>
ENGO	Environmental Non-Government Organization
FEARO	Federal Environmental Assessment Review Office
FEAI	Federal Environmental Assessment Index
NEPA	(United States) <i>National Environmental Policy Act</i>
NGO	Non Government Organization
NRCan	Natural Resources Canada
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
POC	<i>Projects Outside Canada Environmental Assessment Regulations</i>
PWGSC	Public Works and Government Services Canada
RA	Responsible Authority
UN	United Nations
UNEP	United Nations Environmental Program

DISCUSSION PAPER ON THE OPERATION OF THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT AS IT APPLIES TO PROJECTS OUTSIDE CANADA

Introduction

In February 1999, the Canadian Environmental Assessment Agency (the Agency) contracted PricewaterhouseCoopers (PwC) to prepare a background discussion paper on the application and operation of the *Canadian Environmental Assessment Act* (the Act) as it relates to:

- Its implementation for projects outside Canada; and,
- POC Regulations (POC) and the appropriateness of the provisions to projects outside Canada.

This assignment is part of the background studies conducted in preparation for the Five Year Review of the Act by the Minister of the Environment (the Minister). Following the review, the Minister will submit a report to the House of Commons, describing the review and indicating any changes to the Act the Minister recommends.

The objective of this project, as identified in the Terms of Reference, is to "prepare a background discussion paper that reviews the application of the Act to projects outside Canada and the POC Regulations. The paper will consider whether the goals of the Act and the POC Regulations are being met and will identify regulatory and non-regulatory Recommendations for addressing issues and concerns that emerge."

This study was undertaken jointly on behalf of the Agency, the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs and International Trade (DFAIT). The data collection and examination of issues and processes related to the Act and the POC Regulations took place between March and June 1999. The reporting phase occurred during June and July 1999.

Purpose of this Document

This document defines and analyzes the issues of greatest importance faced by departments and agencies that apply the Act and the POC Regulations to projects outside Canada. Where possible, examples are provided to support the issue statement. Recommendations are made to address each issue. *Appendix A* identifies the individuals contacted to provide input to the study. *Appendix B* provides a summary of all recommendations found in the body of the discussion paper. *Appendix C* lists the projects at CIDA that required an EA and are found on their Public Registry. *Appendix D* lists the projects for which DFAIT conducted an EA.

Study Methodology

Phase I: Planning (March 1999)

The Phase I objectives were to develop a work-plan and a proposed consultation plan; to identify any key areas of investigation; to gather relevant documentation; and, to establish linkages with the departments, agencies and Non-Government Organizations (NGOs).

The background study team met with the steering committee in mid-March to initiate the project and subsequently undertook study activities. On April 8, 1999, a presentation of Phase I results was given to the advisory committee [CIDA, DFAIT, Natural Resources Canada (NRCan), Department of National Defence (DND) and the Agency.] The presentation covered preliminary issues, the consultant's approach, and the proposed consultation plan. The consultation plan was approved by the Agency.

Phase II: Consultation Process (April 1999)

This phase consisted of contacting and interviewing key representatives in federal departments and agencies who are involved in implementing the Act outside Canada. (See *Appendix A: Stakeholders Consulted.*)

In addition, this phase included a preliminary identification and risk ranking of the issues. Where appropriate, case studies were reviewed. A preliminary report was submitted to the Agency on May 10, 1999 consisting of a list of issues. The study team met with representatives of the Agency to discuss the issues.

Phase III: Consultation Process (continued); and, Phase IV: Analysis and Report Writing (May – July 1999)

These phases consisted of concluding stakeholder interviews, analyzing the data and writing the discussion paper. In particular, the issues were assessed according to the risk they posed based on a two-tier filter presented in *Exhibit 1*, below. The issues appear in the discussion paper under their appropriate category and are ranked, such that the first issue under a category represents the most risk under that category.

Exhibit 1: Study Risk Assessment Process

Each issue was 'filtered' through the following criteria to determine the severity and impact of the risk:

- The issue presents significant operational difficulties in implementing the Act.
- The issue presents the risk of misinterpretation of the Act.

In this discussion paper, the issues listed are grouped into three categories to facilitate the analysis of:

- Determining whether the Act applies;
- Challenges to implementing the POC Regulations;
- Constraints of operating in foreign jurisdictions.

Where applicable, the discussion paper provides a description of the magnitude of the issue identified (i.e., information on the frequency of occurrence, the significance of its impact and the federal authorities that are affected.)

Background

Many projects outside Canada for which a federal authority exercises a power or performs a duty or function described in 5(1)(a) or (b) are subject to EA under the Act.

Around the world environmental assessment is a relatively new concept. EA was introduced in Canada by the federal government in 1974 and was the first level of government in Canada to do so. Outside Canada few Regimes were in place other than the United States federal legislation, *National Environmental Policy Act* (NEPA), passed in 1969.

²On April 1, 1974, the Canadian Government introduced the Federal Environmental Assessment Panel, within the Department of Fisheries and Environment, to manage the first environmental assessment process set out one year earlier. From that initiative the Environmental Assessment and Review Process Guidelines Order (the EARPGO) emerged in 1984. In 1987 the Brundtland Commission (United Nations) called for improved environmental assessment procedures at all levels of government. In 1988 the Canadian government announced the support for the concept of sustainable development, and recognized environmental assessment as an important tool in promoting the integration of economic and environmental factors in decision-making.

In 1989, the speech from the throne explicitly promised the tabling in the House of Commons of environmental assessment legislation. There were also important judicial interpretations of the EARPGO that year. Both provided the impetus necessary to elevate environmental assessment as a priority on the legislative agenda of the federal government. As a result, in 1990 the Minister of the Environment tabled Bill C-78 a first environmental assessment bill. Bill C-78 "died" on the Order paper in 1991, when Parliament was prorogued. It was re-introduced later that year as Bill C-13 was. On June 23, 1992, Bill C-13 was approved by both Houses and received Royal Assent. In 1994, the Minister of the Environment tabled four amendments to the Act and on January 19 1995 both the Act and the proposed amendments came into effect and the EARPGO was repealed.

Over time, EA has grown in importance around the world. Domestically, all Canadian provinces currently have EA laws, although the application and requirements of these laws vary considerably. Most member-countries of the Organization for Economic Cooperation and Development (OECD) require an EA for their domestic and international development assistance activities. The World Bank and all major international development banks have EA regimes governing their decision making. International conventions on biodiversity and trans-boundary environmental impacts incorporate EA procedures. In addition, the United Nations Environmental Program (UNEP) and other international organizations responsible for or affecting

² History of Environmental Legislation is adapted from Beverly Hobby et al., *Canadian Environmental Assessment Act: An annotated Guide*, (Ontario: Canada Law Book inc., 1999)

environmental quality have EA regimes. Nevertheless, like the situation inside Canada, considerable differences exist in the form and application of international EA processes.

Canadian federal departments and agencies (federal authorities) with responsibilities related to projects outside Canada and activities have expressed a broad commitment to EA. Nevertheless, they have concerns with applying domestic assessment requirements as outlined in the Act and the POC Regulations to funding decisions for activities in foreign countries.

In accordance with the Act, which came into force on January 19, 1995, and subject to various exceptions and exclusions, an EA must be conducted for projects. For projects outside Canada, this must be done before a federal authority makes or authorizes payments or guarantees a loan to the proponent for the purpose of enabling the project to be carried out.

Since 1995, federal authorities applying the Act outside Canada have had challenges in applying of the Act to projects outside Canada. This concern is ongoing today. Under the Act, the departments and agencies (federal authorities) must address the need for an EA for small-scale development projects, large-scale development projects, real property, and other operations.

Further to these concerns, the federal cabinet made it a priority to develop a special regulation under the Act for projects outside Canada. The POC Regulations was developed by a sub-committee of the Regulatory Advisory Committee, a multi-stakeholder committee that was formed in 1991 to advise the Minister of Environment on the development of regulations under the Act and policy matters. The POC Regulations came into force in November 1996.

According to paragraph 59(i)(ii) of the Act, the Governor in Council may make regulations to vary or exclude any procedure or requirement of the environmental assessment processes established by the Act for projects carried outside Canada and any federal lands. In the Act, the environmental assessment process is set out in Sections 14 to 45 and thus the regulation making authority set out in section 59 limits the POC Regulations to variations and exclusions of sections 14 to 45 of the Act. The POC Regulations varied and excluded portions of sections 14 to 45. Specifically, the EA process described in the Act for projects outside Canada is changed in two significant ways. The changes included the addition of an advisory committee (as one of the bodies to whom the Minister may refer a project for the conduct of an EA) and the removal of the comprehensive study list.

The POC Regulations were intended to vary and exclude certain procedures and requirements of the EA process in the Act, to better suit the conditions present in foreign states and respect the sovereignty of foreign states. According to the Regulatory Impact Analysis Statement, prepared at the time of promulgation of the POC Regulations, the regulations were intended to:

...ensure that projects outside Canada comply with the principles of CEAA. The POC Regulations will respect the sovereignty of foreign states, direct that EAs are conducted in accordance with the principles practices of international law, and permit the use of EA procedures that suit conditions present in foreign states.

Experience to Date Implementing *Projects Outside Canada Environmental Assessment Regulations*

Federal Authorities that apply the Act and POC

Federal Authorities that have projects outside Canada include:

- CIDA;
- DFAIT; and,
- Veterans Affairs Canada

Other federal authorities, which may be affected by the POC Regulations because of their involvement with international agreements or projects, include:

- Environment Canada (EC),
- NRCan; and,
- DND

CIDA

Canada provides development assistance in the form of goods, services, the transfer of knowledge and skills, and financial contributions. Working with partners in the private and public sectors in Canada and in developing countries and with international organizations and agencies, CIDA supports foreign aid projects in more than 100 of the developing countries in the world. The objective is to work with developing countries and countries in transition to develop the tools to eventually meet their own needs. To do this, CIDA concentrates on six priority areas:

- basic human needs;
- women in development;
- infrastructure services;
- human rights, democracy and good governance;
- private-sector development; and,
- the environment.³

CIDA provides financial assistance to partner countries for development initiatives and conducts EAs in relation to those initiatives that are projects under the Act. Partner countries can include countries located in Africa, Europe, Asia, the Middle East, Central or South America.

CIDA must conduct an EA under the Act based on paragraph 5(1)(b), which stipulates that an EA must be conducted when providing financial assistance to the proponent of a project.

³ Information taken from CIDA Website (1999)

As of March 31, 1999, CIDA has conducted 291 EAs⁴ on projects, of which 74 were conducted prior to the POC Regulations coming into effect and 217 EAs were conducted since the POC Regulations have come into effect. Projects range in scope and complexity from the construction of a nuclear waste landfill site to the construction of a latrine in a small community next to a school. All projects conducted were screenings. No EAs were conducted through a joint panel review or advisory committee.⁵

Projects at CIDA may be coordinated from CIDA headquarters in Hull or from Canadian missions. The EAs, coordinated by headquarters staff, are filed in the CIDA public registry in Hull. EAs for mission administered projects are kept on public registries at the missions and are normally of a small dollar value (i.e., less than \$50,000).

Training and EA manuals are available to CIDA staff to facilitate implementation of the Act. EA forms have been developed and are available to guide CIDA officials through the EA process.

For projects originating from the Bilateral Branches and Partnership Branch, the CIDA project manager arranges to have the EAs conducted by the organization that will carry out the project. Mandatory CIDA EA forms ensure that CIDA's responsibilities in respects to scope determination and course of action to take are carried out. Environmental specialists are on staff to assist project managers with interpreting the Act and to provide technical advice on the acceptability of an EA report and project impacts. EA reports and their corresponding forms are forwarded to the public registry for convenient public access. At CIDA the Public Registry is located in CIDA's Documentation Centre that is located on the 8th Floor at 200 promenade du Portage in Hull, Quebec. The Documentation Centre is open to the public during business hours and desk cubicles are available for on-site for reading and research. The Public Registry consists of a filing cabinet with the EA records.

For projects administered by the posts, a very similar process is used. The project manager at the post will ensure the conduct of an EA. The project manager who conducts the EA and completes CIDA's mandatory EA forms. Environmental specialists within the branches at CIDA headquarters in Hull, Quebec are available to provide technical advice on applying the Act and determining project impacts. EA reports and their corresponding forms are kept at the posts in a public registry. The project headings are forwarded to the public registry at headquarters in Hull. If the

⁴ A list of CIDA's EAs are attached in Appendix C

⁵ The Federal Environmental Assessment Index (FEAI) states: "The total number of records found is not necessarily a reflection of the total number of EAs. Records that have used multiple geographic locations (for example, to identify the project's start and finish points, or the area the project encompasses) appear under each location identified". Nevertheless, CIDA has confirmed that the number of entries in the FEAI represents the number of projects for which an EA was conducted.

public wishes to review an EA for a mission administered project the post will send it in.

Appendix C provides a description of CIDA projects for which an EA was conducted on projects outside Canada. The appendix shows project description, dollar value and the program responsible for the EA.

DFAIT

DFAIT is involved in projects outside Canada. Its mandate as set out in the DFAIT Act, includes:

- conduct all diplomatic and consular relations on behalf of Canada;
- coordinate Canada's economic relations;
- foster the expansion of Canada's international trade; and,
- coordinate the direction given by the Government of Canada to the heads of Canada's diplomatic and consular missions and to manage these missions.

The department manages Canada's real property holdings abroad, including 62 owned and 140 leased chanceries, 70 owned and 42 leased official residences, and 420 owned and 1,125 leased staff quarters. The Department operates throughout Canada via 28 local and regional passport offices and through a regional network of 12 international trade centres. Outside Canada, including honorary consuls, the department has over 200 points of service and operates through a network of 129 missions and 33 offices in 104 countries.

DFAIT conducts EAs on construction, operation and modification projects for chancelleries staff quarters and other diplomatic facilities in foreign countries. Since the Act came into effect on January 19, 1995 DFAIT has conducted 42 EAs, of which 33 were conducted before the POC Regulations came into effect and 9 EAs were conducted after the POC Regulations came into effect on November 7, 1996. The Act requires DFAIT to conduct an EA based on paragraph 5(1)(a) of the Act that stipulates that an EA is required when the federal authority is the proponent of the project. Often the foreign country does not have a direct interest in the project or the EA process.

DFAIT has developed guidelines for the conduct of EAs. The guidelines are intended to provide employees with step-by-step information for conducting EAs of projects outside Canada for which DFAIT is the responsible authority (RA). The guidelines are intended to support the POC Regulations. In addition, the department has guidelines for addressing property-project-specific environmental requirements of the Act and of various other policies and legislation (such as the *Canadian Environmental Protection*

Act, Treasury Board Policy, the Federal Code of Environmental Stewardship, and Policy on Greening Government Operations).⁶

EAs are conducted largely in relation to projects related to the Embassy/High Commission buildings and residential accommodations for DFAIT staff working overseas. Projects have the potential to occur in every country where Canada has a post. At DFAIT EAs are coordinated by Property Management Officers located in Ottawa for the various projects occurring outside Canada. The Environmental Services Division provides advice and assistance to DFAIT project officers at headquarters and at missions on applying the EA process in the Act and the POC Regulations. The Environmental Assessment Form for Real Property Projects provides the EA process described in the Act and ensures that DFAIT decides on the scope of the project and course of action to take.

Projects for which an EA was conducted are listed in the Federal Environmental Assessment Index (FEAI) maintained by the Agency. The FEAI serves as a window onto DFAIT's public registry. The public may contact DFAIT headquarters to obtain access to records for EAs listed on the FEAI.

A review of DFAIT's Public Registry revealed that 20 EAs were conducted in response to sale initiatives of staff quarters, chanceries or other property. Twelve EAs were conducted in response to new construction initiatives for official residences, chanceries or other buildings; and one EA was conducted in response to modifications to an existing building.

Appendix D provides a list of EAs conducted by DFAIT that are filed with the FEAI.

Veterans Affairs Canada

Veterans Affairs Canada provides veterans, qualified civilians and their families with the benefits and services to which they are entitled, to promote their well-being and self-sufficiency as participating members of their communities and to keep the memory of their achievements and sacrifices alive for all Canadians.

As part of its effort to recognize veterans, the department initiates projects relating to memorial monuments commemorating Canadian involvement in battles such as the First World War in France. Veteran Affairs has had only one project that required an EA under the Act and it was conducted by Public Works and Government Services Canada (PWGSC) for Veteran Affairs.⁷ Departmental officials stated that this single EA was their only experience with the POC Regulations. They had no issues with respect to its application.

⁶ Taken from the DFAIT Sustainable Development web site, Annexes A and B (1999).

⁷ Veterans Affairs Canada do not have a record in the Federal EA Index. The one project listed was identified during the interview process.

EC

Under the *Department of the Environment Act*, EC is expected to:

- preserve and enhance the quality of the natural environment (including migratory birds and other non-domestic flora and fauna),
- conserve and protect Canada's water resources,
- carry out meteorology,
- enforce the rules of the Canada-U.S. International Joint Commission, and
- coordinate federal environmental policies and programs.

EC administers on behalf of the government, numerous international agreements and are involved in international projects.

Representatives from EC indicated that the department has no significant involvement in the application of the Act to projects outside Canada. While the department is involved in some international projects, departmental representatives asserted that they are not viewed as "projects" under the Act. Moreover, any future involvement in the POC Regulations would likely be as a Federal Authority, rather than a RA.⁸

NRCan

NRCan's mandate as defined in the *Natural Resources Canada Act* of 1995, establishes sustainable development as a responsibility in the fields of energy, minerals and metals, forests and earth sciences. NRCan builds and maintains a national knowledge infrastructure on Canada's land and resources; ensures that federal policies and regulations on issues such as the environment, trade, the economy, Canadian land and science and technology enhance the natural resources sector's contribution to the economy; and, promotes Canada's international interests.

NRCan's EA program is designed to demonstrate due diligence, heighten awareness of responsibilities and assess the department's level of compliance and quality of assessments undertaken. Results are reported annually and are available to the public. EA practitioners throughout NRCan complete and file their environmental screenings electronically. A central database is maintained and data is regularly transmitted to the Federal Environmental Assessment Index as part of the Public Registry.⁹

None of NRCan's projects triggered the Act outside Canada, but the department has expressed some views about the POC Regulations and provided input to this background study.

⁸ This position is a summary of a memorandum from the Acting Senior Advisor, Interdepartmental and Regional Relations, Environmental Assessment Policy and Planning, Environment Canada (April 1, 1999).

⁹ Taken from NRCan's Sustainable Development Strategy (1998).

Department of National Defence

The Department of National Defence has not applied the Act outside Canada and is currently assessing the applicability of the Act as it applies to its activities and operations outside Canada. The departmental position as stipulated in the 1997 was provided as follows:

- a) "... the Projects Outside of Canada Regulations under the *Canadian Environmental Assessment Act* could apply to military operations outside Canada and, thus, it could apply to Canadian contingents or individual CF members who are under UN command. A violation to Canadian environmental law would be an offence under the *National Defence Act* and as such becomes a Code of Service Discipline charge prosecutable before either a summary trial or a court martial as the case may be.
- b) The unwritten DND/CF (*Department of National Defence/Canadian Forces*) policy with respect to the environmental regulations and standards of host countries during deployed operations is that where the applicable environment standard of the host country is higher than the Canadian requirement, the CF complies with the higher standard. Only the Engineering Field Manual, B-GL-320/FP-001 specifies that "a minimum, Canadian environmental standards will apply".¹⁰

There are no EAs conducted by DND related to projects outside Canada on the Federal Environmental Assessment Index.

Towards a better approach to EA outside Canada

There are two primary RA's conducting environmental assessments outside Canada: CIDA and DFAIT, and the discussion above shows that there are marked differences in the nature and types of projects undertaken by those two. For example, foreign aid projects, which are funded by CIDA, range from construction of municipal latrines to construction of large manufacturing facilities in developing countries. In these cases, CIDA is not the proponent of the project, but acts in partnership with the recipient country. Pursuant to the Act, the trigger is the provision of financial assistance.

On the other hand, DIFAIT conducts EAs where it is the proponent of the project. Its projects include the construction, sale, lease, purchase or modification of an Embassy or Chancery. Almost half of DFAIT's projects were conducted in developed countries.

Given these differences, this report will recommend the development of two distinct mechanisms for assessing the environmental effects of projects outside Canada. For DFAIT, the study recommends the use of the Act and POC Regulations, with

¹⁰ Extracts from a memorandum from Director Environmental Stewardship, DND to Deputy Chief of Staff Airfield Engineering Air Command Headquarters, dated 28 August 1997.

appropriate amendments as required. For CIDA, the study recommends the development of a separate mechanism to address the assessment of environmental effects on foreign aid projects.

Issues in respect to the Act and the POC Regulations

The issues identified in the study are defined and analyzed under three categories. The categories are:

- Determining whether the Act applies;
- Challenges to implementing the POC Regulations;
- Constraints of operating in a foreign jurisdiction; and

The issues and concerns are described below under each category, ranked from highest to lowest risk.

Determining whether the Act applies

Background

To determine whether the Act applies, a RA must determine whether a proposal:

- Is a project as defined in the Act,
- Is not excluded by the Act or by a regulation under the Act,
- Involves a federal authority,
- Involves an action that triggers the need for an EA under the Act.

A proposal is a project when it fits the definition of project in the Act. Subsection 2(1) of the Act defines "project" to mean:

- a) "in relation to a physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work, or
- b) any proposed physical activity not relating to physical work that is prescribed or is within a class of physical activities that is prescribed pursuant to regulations made under paragraph 59 (b); (i.e. the Inclusion List Regulations)".

Some projects are excluded from the Act because it has been determined that they have insignificant environmental effects. A list of the excluded projects is described in the *Exclusion List Regulations*.

Federal authorities must apply the Act to projects. According to the Act a federal authority includes agencies of the government of Canada, federal departments or departmental corporations (as defined in the *Financial Administration Act*). The following are not considered to be federal authorities:

- Commissioner in Council,
- An agency or Body of the Yukon or Northwest Territories,
- A Council of the Band within the meaning of the *Indian Act*,
- Hamilton Harbours Commissioners,
- Toronto Harbours Commissioners, and
- Crown corporations.

The Act applies to projects outside Canada when federal authorities make decisions on projects. More specifically when federal authorities are either the proponent to the project or provide financial assistance to the project.

Section 5: Projects to be Assessed or determining whether the Act applies.

An EA is required before a federal authority exercises one of the following powers or performs one of following duties or functions in respect of a project:

- proposes a project; or
- grants money or other financial assistance to a project;
- grants an interest in land to enable a project to be carried out;
- exercises a regulatory duty in relation to a project, such as issuing a permit or licence, that is covered under the Law List Regulation.

For projects outside Canada, only the first two triggers listed above apply.

Determining whether a project requires an EA has not always been a straightforward process. CIDA has commented that it is an ongoing challenge in determining whether the Act applies. There is the added complexity and challenge of complying with the Act when CIDA co-finances a project with another federal body such as a Crown corporation. Both CIDA and the Crown corporation are from the federal family of organizations yet are subject to differing legislation/policies on EA.

Determining whether the Act applies

1. **When the financing of a project triggers the Act, it may not be adequately used as a planning tool as it is conducted at the end of project planning.**

Paragraph 5(1)(b) of the Act states that an EA of a project is required before a federal authority provides financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part. In addition, the Preamble requires that environmental factors be considered in planning and decision-making.

Yet, triggering an EA immediately before the provision of financial assistance amounts to doing an EA when the project details are known and after a portion of project planning and decision-making has occurred. As a result, the opportunity to review alternatives to the project has passed and there is insufficient opportunity to influence decision-making.

The study found that the provisions in the Act do not ensure that EA is used as an effective planning tool. This issue is an ongoing concern for the four bilateral branches at CIDA where developing countries determine their needs and projects, and apply for foreign aid money. When CIDA requests that an EA be conducted prior to providing the financial assistance to a Canadian Executing Agency (CEA), it is often conducted late in the planning process and may have minimal influence as a planning tool.

Interviewees expressed concerns regarding potentially conflicting sections of the Act, specifically between Section 54 and Section 7. Subsection 54(2) of the Act requires an EA where a federal authority is financing a project where essential details are not known. This suggests that studies conducted to determine the practicality, scope and general costs of a project (i.e., feasibility studies) may be subject to the Act. Since feasibility studies of projects are projects in the planning when essential details are being determined. Also, when considering EA as a planning tool, it is reasonable to expect that feasibility studies be captured by the Act. On the other hand, subsection 7(2) of the Act states: that "... For greater certainty, an EA is not required where a federal authority exercises power ... in relation to a project and the essential details of the project are not specified before or at the time the power is exercised ...". An interpretation of this section suggests that a feasibility study is not a project under the Act.

Given the two above-noted extracts from the Act, there is a lack of certainty regarding the applicability of the Act to feasibility studies. If the Act applies only when essential details are known and prior to financing, then the provisions of the Act regarding EA as a planning tool and EA as a means to attain sustainable development may not be adequate.

AN EXAMPLE OF AN EA CONDUCTED LATE IN THE PROJECT PLANNING:

CIDA provides financial assistance to a Canadian Executing Agency for the development of a feasibility study in Eastern Europe. This study leads-up to a project. There is uncertainty whether the financing of the feasibility study triggers the Act. Yet, conducting an EA for the feasibility study would be an effective means of integrating environmental factors into planning and decision making processes.

Addressing the issue in the Act or POC Regulations would provide more certainty and the force of law to departments and agencies.

Magnitude of the Issue:

The issue occurs for all projects where a federal authority responds to an outside request for funding. This means the issue is an ongoing concern for the four bilateral branches at CIDA where developing countries determine their needs and projects and apply for foreign aid money.

Risk Assessment:

The financial trigger coming into effect late in project planning poses significant operational difficulties in meeting the intent of the Act in respects to "EA as an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development."¹¹ It also counteracts the section 11 provision, which stipulates that it is important to "... ensure that the EA is conducted as early as is practicable in the planning stages of the project and before irrevocable decisions are made." When an EA is triggered by project financing, it lessens the opportunity to influence project planning from the onset; this is the case for all EAs triggered by the financial trigger.

Recommendation # 1:

- (a) In consultation with stakeholders, the Agency could consider restructuring the Act to ensure EAs are conducted at the onset of project planning rather than before project financing.
- (b) In consultation with the Agency, federal authorities could consider examining their internal procedures to better use the Act as a planning tool.

¹¹ Preamble of the Act, paragraph 2

2. Some undertakings with potential for significant environmental damage do not trigger the Act.

A Project is any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to a physical work. Also included in projects are any proposed physical activity not relating to a physical work that is in the described in the *Inclusion List Regulations*. Some undertakings in respect to physical works are excluded from the Act because their environmental effects are considered insignificant. These are described in the *Exclusion List Regulations*.

Some undertakings with potential for significant environmental damage that do not trigger the Act are as follows:

- The *Exclusion List Regulations* describe certain projects that are excluded from the Act's EA requirements. While the list may be appropriate for Canadian undertakings, the study found that the regulations are not always appropriate for projects outside Canada. (See example 1 in the box below.)
- The use of the term "a physical work" implies the exclusion of those undertakings that would be "non-physical work". The study found a number of examples that have adverse environmental effects that are not captured by the *Inclusion List Regulations*. (See examples 2, 3 and 4 in the box below.) In these instances, the *Inclusion List Regulations* may not be sufficiently adapted to projects outside Canada;

EXAMPLES OF UNDERTAKINGS WITH POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL DAMAGE THAT DO NOT TRIGGER THE ACT.

Example 1:

A project consisting of the construction of one well for water use for a village does not require an EA according to the Act as it is on the *Exclusion List Regulations*. In a Canadian context, a well is normally used to supply water to a rural building with low intensity use. In Africa, however, a well may provide water for a village of 700. The impact of a well (i.e., supplying water to a village of 700 persons, in a dry climate) is important, yet the Act is not triggered.

Example 2:

The government of a partner country requested support from the Canadian government for an agricultural development project, specifically to provide funding worth US\$90 million and 8,000 person-months of training and 95 person-months of technical assistance. The project featured the expansion of cattle, swine and other small holder livestock production; aquacultural initiatives; agro-processing for grains, meats and milk; and institutional development. The area covered was 142,000 sq. km and utilization was high (2.75 million farm families live in the project area). Careful assessment of activities and proposed activities was required to minimize environmental stresses and reduce pollution. Nevertheless, for this initiative, the Act was not triggered because it is not "a physical work".

EXAMPLES OF UNDERTAKINGS WITH POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL DAMAGE THAT DO NOT

TRIGGER THE ACT (CONTINUED).

Example 3:

A Canadian forestry company planned to establish a joint venture with a company in South America for a small-scale logging operation, within an initial forestry concession area of approximately 60,000 hectares. Initially, portable saw mills would be used to harvest timber from the concession, which would allow activities to begin and to develop in a manageable fashion. Sound forest management was critical to prevent soil erosion, retain water quality in creeks, and sustain wildlife corridors and habitat. Yet the Act is not triggered for forestry activities.

Example 4:

Deforestation does not trigger the Act but using the wood resulting from deforestation does require an EA. Deforestation is not captured in the *Inclusion List Regulations* for projects outside Canada. In Canada, the federal *Fisheries Act* applies, as does provincial legislation. In addition, in Canada, public awareness and NGO pressures are effective measures against deforestation.

In a partner country, deforestation or clear-cutting may not be controlled through their internal legislation or through public awareness and lobbying, as we have been accustomed to in Canada. The EA process under the Act may be the only tool to provide forestry management advice and control clear-cutting. Yet, the *Inclusion List Regulations* are based on the Canadian context and may not adequately represent the standards found in the foreign setting where Canada funds projects.

Example 5:

The Canadian *Fisheries Act* is a trigger in the *Inclusion List Regulations* for fisheries projects. This inclusion is for a Canadian context yet CIDA is involved in many fisheries and water related projects in foreign countries. Thus, there is no requirement to conduct an EA on these projects.

Magnitude of the Issue:

This issue applies only to CIDA. It was not possible to measure the frequency of occurrence of the issue in quantitative terms, because the undertakings are not projects under the Act and there is no system in place to track the frequency of occurrence. Nevertheless, the issue is ongoing.

Risk Assessment:

The fact that the Act appears to miss undertakings with potential for significant adverse environmental effects puts at risk the intent of the Act to:

- "achieve sustainable development by conserving and enhancing environmental quality and by encouraging and promoting economic development that conserves and enhances environmental quality"¹² and

¹² Preamble to the Act, paragraph 1

- have "EA provide an effective means of integrating environmental factors into planning and decision making processes in a manner that promotes sustainable development"¹³.

It should be noted that the risk posed by this issue applies only to those undertakings not captured by the Act.

Recommendation # 2:

In consultation with stakeholders, the Agency could consider developing a separate mechanism to assess the environmental effects of foreign aid projects.¹⁴ This separate mechanism could address the issues of capturing undertakings with potential for significant environmental damage in either of the following ways:

- (a) (I) In consultation with stakeholders, the Agency could consider developing a list of project categories and could include those undertakings that have potential for significant adverse effects that are now being missed by the Act. The list could be used instead of the defining "a physical work" in the Act. This may prove to be simpler to understand and provide certainty in knowing what is a project under the Act.¹⁵
- (a) (II) In consultation with stakeholders, the Agency could consider further defining the term "a physical work" to include those undertakings that have potential for significant environmental impact. This recommendation may also imply the broadening of the *Inclusion List Regulations* for projects outside Canada and perhaps the provision of more specific lists for foreign aid projects.¹⁶

¹³ Preamble to the Act, paragraph 2

¹⁴ Foreign aid projects include Official Development Assistance (i.e., ODA supports sustainable development in developing countries, in order to reduce poverty and to contribute to a more secure, equitable and prosperous world). and aid to Central and Eastern Europe and to the former Soviet Union.

¹⁵ The Environment Department of the World Bank uses lists of project categories. The selection of categories is based on professional judgement and information available at the time of project identification. *Reference:* World Bank Operational Directive 4.01.

¹⁶ Caution is advised, however, as this option may not resolve the issue of any "non-physical work" with potential for environmental damage not triggering the Act. The *Inclusion List Regulations* would need to capture those non-physical work undertakings.

3. Definition of a project under the Act does not define "a physical work".

When an undertaking is reviewed for its applicability to the Act, the RA determines if the undertaking is a project under the Act. This study found that while "project" is defined in the Act, "a physical work" is not. This has led to difficulties in implementing the Act in a straightforward manner (i.e., interpreting the definition, reviewing the *Exclusion List Regulations*, reviewing the *Inclusion List Regulations*, obtaining guidance from EA policy advisors, obtaining legal advice.)

Without a definition that is useable by practitioners, there is risk of inconsistent application of the Act. More pragmatically, interviewees noted that a considerable amount of time is required to determine whether an EA is a project under the Act, when one would expect this step to be straightforward.

EXAMPLES OF INITIATIVES THAT COULD BE "A PHYSICAL WORK" YET THE DEFINITION OF PROJECT DOES NOT PROVIDE CLEAR GUIDANCE.

Example 1:

It has not been resolved whether planting trees on a farm is "a physical work".

Example 2:

It has not been resolved whether cutting trees is "a physical work".

Example 3:

DFAIT decommissions or makes significant repairs to buildings, apartments etc. and those undertakings may require an EA if they fit the definition of project under the Act. An EA is required for a decommissioning or a modification while maintenance activities do not require an EA. It is unclear where maintenance ends and where modification begins, despite the existence of section 4 of Schedule 1 of the *Exclusion List Regulations*.

Magnitude of the Issue:

CIDA and DFAIT have both raised this as an issue. It has been characterized as a difficult challenge that is not always surmountable, i.e., for some undertakings a determination is never made with assurance. It also has been characterized as an issue that needs to be overcome every time there is a new undertaking.

Risk Assessment:

The interpretation of "a physical work" is required when an undertaking is proposed. Interpretations of "a physical work" differ, even among experts, and at times legal advice is required. Interpreting if an undertaking is in relation to a "physical work" is an operational difficulty in implementing the Act. In addition, a misinterpretation of the Act may occur because it is not always clear whether an undertaking fits the definition of "project" under the Act.

Recommendation # 3

See Recommendation # 2 (I) and (II). For CIDA, either of the above-noted options could be developed within a separate mechanism for the assessment of environmental effects for foreign aid projects. However, for DFAIT, either of the above-noted options could be considered by modifying the Act and the POC regulations.

4. It is unclear if the Act applies when a non-proponent is financed (i.e., a third party).

Subsection 5(1)(b) of the Act stipulates that an EA is required before a federal authority provides financial assistance to the proponent. For CIDA bilateral projects, the partner country is the proponent of projects. CIDA participates in the project by financing a non-proponent, the CEA¹⁷, which carries out the work. Since the CEA is the recipient of the financing, there is uncertainty within CIDA as to whether an EA under the Act is required.

Technically, the Act does not apply to a project for which a non-proponent received funding. Yet, this exclusion falls short of meeting the Preamble's commitment that states: "... Canada is committed to exercising leadership within Canada and internationally in anticipating and preventing the degradation of environmental quality ..."

This issue is encountered for all projects within CIDA's four bilateral branches. When CIDA requests an EA on a large project the CEA may oppose the request because it is not the proponent of the project. This would mean that all projects from the four bilateral branches at CIDA would be excluded from the Act. The intent of the Act could be clearer if reference was made to financing the project rather than the proponent. CIDA could benefit from clarification within the Act in respects to the financial trigger.

THE FOLLOWING IS AN EXAMPLE OF THE CEA RECEIVING THE FUNDS FROM CIDA TO CONDUCT A PROJECT OUTSIDE CANADA:

The partner country (i.e., the project proponent) requests assistance from CIDA to build a hospital. To allow the project to be carried out, CIDA funds a CEA to build the hospital. The proponent (the partner country) does not receive the money; it is the CEA (the non-proponent) that does. It is unclear whether the Act would apply because it is a non-proponent that is being financed.

Magnitude of the Issue:

This issue is significant for all bilateral projects at CIDA.¹⁸

¹⁷ Executing Agencies are those organizations that have been mandated by CIDA to carry out projects in the field.

¹⁸ Appendix A provides a list of all projects originating from the bilateral branches at CIDA. This appendix provides evidence of the number and importance of the projects originating from the bilateral branches at CIDA.

Risk Assessment:

There is a risk of misinterpretation of the Act when third parties are financed to carry out work for the benefit of the proponent. It could be interpreted that the Act would not apply if the RA finances a non-proponent.

Missing the opportunity to conduct an EA means that the Act falls short in its intent of "providing an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development".¹⁹ Also when EAs are not conducted, the Act falls short of its intent of "achieving sustainable development by conserving and enhancing environmental quality and by encouraging and promoting economic development that conserves and promotes sustainable development."²⁰

Recommendation # 4

- a) In consultation with stakeholders, the Agency could consider removing "... financial assistance to the proponent" from 5(1)(b) of the Act and replace with "... financial assistance to the project"

Note: Some stakeholder department and agencies asserted that this recommendation might have widespread impact on certain departments. Therefore, discussion is required prior to adopting this recommendation.

- b) In consultation with stakeholders, the Agency could consider removing "... financial assistance to the proponent" from paragraph 5(1)(b) of the Act and replace with "... financial assistance to the "executor of the project".

¹⁹ Preamble to the Act, paragraph 2.

²⁰ Preamble to the Act, paragraph 1.

5. Some projects with minimal adverse environmental effects trigger the Act.

The projects under the Act are either:

- (a) construction, operation, modification, decommissioning, abandonment or other undertakings in respect of physical works; or
- (b) physical activities described in the *Inclusion List Regulations*.

Some undertakings in respect of physical works are described in the *Exclusion List Regulations*.

Some projects outside Canada have minimal adverse environmental effects and yet the Act is triggered for those projects. The conduct of an EA on projects with minimal impact contributes only marginally to the anticipation and preservation of environmental quality, and it is not an effective means of integrating factors into planning and decision-making. These projects should not trigger the Act. They include projects that inherently have minimal environmental effects and those projects that have minimal environmental effects because of proven mitigation measures.

Stakeholders have expressed that the *Exclusion List Regulations* may not be sufficiently adapted to projects outside Canada since the Act is being triggered on projects with minimal environmental effects. The current *Exclusion List Regulations* allow for the inclusion of projects with insignificant environmental effects. It is unclear whether projects with minimal environmental effects or projects with minimal or insignificant environmental effects because of proven mitigation measures can also be included to the Regulation.

Conducting EAs on projects where there are minimal impacts (i.e., no obvious benefit) causes an administrative and unnecessary project delays and unnecessary expenditures. Some examples for consideration are as follows:

EXAMPLES OF PROJECTS WITH MINIMAL IMPACT AND YET THE ACT IS TRIGGERED.

Example 1:

CIDA funded a micro-credit institution in a partner country for the construction of a shelter. The project triggered the Act. The shelter provided a covered area out of the rain and sun where women could weave and earn an income. The type of shelter constructed has minimal impact on the environment yet an EA was required.

Example 2:

The funding by CIDA of the purchase of a herd of goats for a rural community did not trigger the Act, despite the resulting effects on natural vegetation. When the community sought funding from CIDA to construct a fence to contain the goats, this initiative was "a physical work" and triggered the Act. Yet, the fence had minimal impact on the environment and conducting an EA did not contribute to prevention of environmental degradation.

Example 3:

A license of occupancy for a residential accommodation for Canadian public servants working in a foreign jurisdiction triggers the Act. Specifically, section 76 of the *Inclusion List Regulations* states that Physical Activities that require a license to use or occupy federal lands under paragraph 4(2)(a) of the *Federal Real Property Regulations* require an EA. Yet, the issuance of a license of occupancy is largely an administrative arrangement with little or no associated environmental effects.

Example 4 :

Many mission-administered projects (e.g., Canada Fund projects in partner countries) are small projects, such as the construction of shelters. Many of these projects trigger the Act, despite the small financial value and the minimal effect on the environment. For these projects, the administration of the Act may become onerous as mission staff requires training, there is a need to maintain a public registry, and there is often considerable time and financial requirements needed to carry out the EA. In these cases, an EA contributes minimally to the prevention of environmental degradation.

Small projects that have minimal adverse environmental effects are an ongoing occurrence at CIDA and make up a significant portion of its projects.

Example 5 :

An airport in partner country required funding for the construction of a navigational system. The navigational tower was constructed on a hardened environment (on the asphalt of the runway area of an existing airport) and yet an EA was required under the Act. The environmental impacts of this construction were viewed as non-existent.

Example 6 :

There may be projects that no longer impact the environment because appropriate mitigation measures have been developed. For example, if a pulp and paper plant with a closed cycle system based on green-technology does not impact the environment then that technology could be on the *Exclusion List Regulations*.

Magnitude of the Issue:

Both CIDA and DFAIT have raised the issue. The issue applies to DFAIT's property projects and to CIDA's mission administered fund projects.

Risk Assessment:

Retaining the requirement to conduct EAs on projects with minimal environmental effects is not an operational difficulty to implementing the Act, and poses no risk to misinterpreting the Act. Nevertheless, it is an administrative burden to conduct EAs where no obvious benefit is derived.

Recommendation # 5

In consultation with stakeholders, the Agency could consider developing distinct *Exclusion List Regulations* for projects outside Canada to exclude those projects with minimal environmental effects and those projects that have minimal or insignificant environmental effects because of proven mitigation measures.

6. **When CIDA co-finances a project with a non-federal authority (such as a Crown corporation), CIDA must conduct an EA under the Act. The non-federal authority , however, is not required to apply the Act.**

CIDA has financed a foreign project in conjunction with the Export Development Corporation (EDC). In these situations CIDA is required to conduct an EA of the project under the Act whereas EDC is not. CIDA is a federal authority and must apply the process in the Act, while EDC is a Crown corporation, which is to apply assessment of effects according to regulations written for that effect. The regulations have yet to be written.

This inconsistency may be confusing to the partner country and to the CEA. Moreover, the public could see this as an inconsistent application of EA within the federal family.

Magnitude of the Issue:

This is an issue for all project branches at CIDA. The frequency of the occurrence is relatively low; however, the consequences of this issue could be significant (i.e., the high profile of the players and the significant dollar values involved).

Risk Assessment:

While the issue is significant, there is no risk in operationalizing the Act because it does not apply to Crown corporations. Also, this issue does not pose a risk of misinterpreting the Act.

Recommendation # 6:

- a) **In consultation with stakeholders, the Agency could consider allowing assessment of environmental effects based on EDC's internal EA framework or pursuant to another international EA process when CIDA co-finances a project with a non-federal authority .**
- b) **n consultation with stakeholders, the Agency could consider allowing CIDA to be exempt from the Act when co-financing a project with a non-federal authority.**

Challenges to implementing the POC Regulations

Background

The POC Regulations sets out a process for EA for projects outside Canada. The EA process in the POC Regulations includes a self-administered screening and may include either an EA through a mediator, an advisory committee, or a review panel. More specifically the EA process includes establishing a registry of public information on the project, determining the scope of the project and the assessment, and carrying out the study necessary to consider:

- the environmental effects of the project;
- the significance of the effects; and
- feasible mitigation measures.

It also includes completing a report on all considerations, and deciding upon a course of action for the project.

In addition to the above steps, a project that goes to a mediator, an advisory committee, or a review panel must also consider the purpose of the project, the feasible alternative means of carrying out the project and the environmental effects of such means; and the sustainability of affected renewable resources.

Where a RA decides to undertake the project it will design any follow-up program that it considers appropriate and arrange for the implementation of that program. If they choose to implement a follow-up program, then the RA must advise the public of the follow-up program and any results.²¹

To better understand the process one needs to understand what is meant by "environment" and "environmental effects." In the Act, "environment" means the components of the Earth, and includes:

- (a) land, water, air, including all layers of the atmosphere,
- (b) all organic and inorganic matter and living organisms, and
- (c) the interacting natural systems that include components referred to in paragraph (a) and (b).

²¹ Adapted from section 38 of the Schedule to the POC Regulations.

"Environmental effect" means:

- (a) any change that the project may cause in the environment, including any effect of any such change on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by aboriginal persons, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, and
- (b) any change to the environment that may be caused by the project.

The scope of the factors to be taken into consideration pursuant to paragraphs 16(1) (a), and (d) and 16(2) (b), (c) and (d) of the Schedule to the POC Regulations shall be determined or approved:

- (a) by the RA; or
- (b) where a project is referred to a mediator, a review panel, or an advisory committee by the Minister of Environment after consulting with the RA and with the Minister of Foreign Affairs.

Also, the POC Regulations allows a federal authority to request that a EA be used as a model for a class of projects. Subject to subsection 19 (2) of the Schedule to the POC Regulations, the Agency may, on the request of the RA and where the Agency determines that a screening report could be used as a model in conducting screenings of other projects within the same class, declare it to be a class screening report.

Where a RA uses or permits the use of a class screening report, the Act [subsection 19(5) of the Schedule to the POC Regulations] instructs to "... ensure that any adjustments are made to the report that are necessary to take into account local circumstances and any cumulative environmental effects that may result from the project in combination with other projects or activities that have been or will be carried out."

Issues related to implementing the POC Regulations

7. **It is complex and logistically unlikely to apply the POC Regulations and subsection 54(2) of the Act to projects outside Canada when projects are funded on a multilateral basis, such as funding by the United Nations (UN) or the World Bank.**

An EA of a project is required before a federal authority provides financial assistance to the proponent for the purpose of enabling the project to be carried out.

When the UN funds a project, it uses money from its member nations. If Canada is funding a portion of a project for which an EA should be conducted according to the Act, the member nations would need to accept the Act or agree to a process that is according to the Act in so far as is practicable [subsection 54(2)]. This is unlikely and logistically problematic to coordinate. It would be even more difficult if other nations also wanted their processes implemented in the same way.

EXAMPLES WHERE CANADA CONTRIBUTED MINIMALLY TO PROJECTS YET AN EA WAS REQUIRED:

Example 1:

In some cases, training and technical assistance are provided as foreign aid as part of a larger project where Canada is a minor contributor. Providing training and technical assistance has been interpreted as a financial contribution to a project and, therefore, an EA under the Act is required. For example, the Act would be triggered if Canada provides an electrical generator to a large construction. It would be difficult to impose this requirement on the project officer, other project partners and the project recipient.

Example 2:

Canada was asked to provide financial assistance to train engineers for a power dam project. Canada's contribution was small, yet by providing financial assistance for training, an EA was triggered for the whole project.

Example 3:

Canada was requested to provide financial assistance for supplying technical expertise to a pipeline project in a partner country where the Canadian federal authority was a minor contributor to the project, and did not have decision-making authority on the outcome of the project. Yet, in this instance, the Act was triggered by the provision of technical expertise.

Magnitude of the Issue:

This issue is ongoing and includes such multilateral organizations as the UN, World Bank, the World Health Organization. The issue surfaces at CIDA and DFAIT on an annual basis when block funding is provided, and at CIDA during the course of the year when funding specific projects.

Risk Assessment:

The requirement to conduct an EA for projects that have multilateral financing presents significant operational difficulties. Often, the Act cannot be implemented because it would require the agreement of all parties to do so. When the UN provides financing to projects, this could mean coordinating over 100 EA processes to ensure consistency with the Act.

Triggering the Act on multilateral financing of projects would result in delays.

Recommendation # 7:

- (a) In consultation with stakeholders, the Agency could consider developing the *Minimal Federal Involvement Regulations* to exclude projects from the Act where Canada is a minimal contributor. The minimal federal involvement could take the form of excluding projects on the basis of a funding threshold (or on the basis of a percentage of total funding); or on the basis of a minimal project scope threshold.
- (b) In consultation with stakeholders, the Agency could consider defining "financial assistance" in the Act for the purposes of projects outside Canada to exclude any "financial assistance" that does not include decision-making authority for the RA.

8. CIDA would like to have a defined list of projects for which an in-depth environmental assessment is required.

The POC Regulations do not include provisions for comprehensive studies as it excludes sections 21, 22, and 23 from the Act for projects outside Canada. The POC Regulations retained the enhanced considerations normally conducted for a comprehensive study as described in subsection 16(2) of the Act but removed the list of projects for which the enhanced review is to be applied. Subsection 16(2) of the Act in POC is applied only when the Minister refers the assessment to mediation, review panel or advisory committee.

In the absence of the *Comprehensive Study List Regulations*, all assessments are initiated with a screening under subsection 18(1) of the Schedule to the POC Regulations, which must consider the factors set out in subsection 16(1) of the Schedule to the POC Regulations²². When a screening under subsection 16(1) of the Act reveals the project may cause significant adverse environmental effects, or when the public concerns warrant, the project can be referred to a mediator, panel review or advisory committee and the subsection 16(2) of the Schedule to the POC Regulations. This generated a two-step process for projects with potential for significant adverse effects. Step 1 implies the application of subsection 16(1). Although paragraph 16(1)(e) stipulates that a RA may require the EA to consider such matters as the need and alternatives to the project it is not mandatory but discretionary. To initiate a mandatory in-depth review as described in subsection 16(2), sufficient concern must be raised from the findings of subsection 16(1) and after the intervention of the Minister for referral to a panel review, advisory panel or through mediation.

Magnitude of the Issue:

This is an issue at CIDA, however, the frequency of this type is unknown. The planning of aid projects of the scale that would benefit from an enhanced assessment is long-term (e.g., 2 to 4 years). The Act has only been in effect for five years. The frequency of occurrence can only be measured in the long term.

Risk Assessment:

The process for conducting an enhanced assessment adds a level of operational complexity.

²² Subsection 16(1) sets out the factors for screening, mediation, assessment by panel review, or advisory committee.

Recommendation # 8:

In consultation with stakeholders, the Agency could consider a project list to be included in the proposed mechanism for foreign aid projects that would require an enhanced assessment.

9. The determination of significant adverse environmental effects can be uncertain.

Subsection 16(1) of the Schedule to the POC Regulations requires that every screening must include consideration of the significance of the environmental effects of a project. An understanding of the significant adverse effects will guide the RA in deciding the course of action to take with respect to a project.

Establishing whether an adverse effect is significant has been problematic. The operational difficulty lies with variance from one EA to another, since the criteria used to determine significance is subjective and will vary with the practitioner. In effect, the Government of Canada may be inconsistent in determining significance on very similar projects. The following is required:

- defining criteria that can aid in decision-making on significance; and,
- defining criteria to identify which functional authority can make decisions on significance.

Magnitude of the Issue:

This issue applies to all projects being assessed. The challenge of determining significance will be greater in instances where there are diverging opinions, cultures and expectations.

Risk Assessment:

Determining the significance of environmental effects is critical to conserving and enhancing environmental quality and to integrating environmental factors into planning and decision-making. It is expected that RAs will determine the significance of an environmental effect within a certain acceptable range. The operational difficulty lies with variance from one EA to another, since the criteria used to determine significance is subjective and will vary with the practitioner. In effect, the Government of Canada may be inconsistent in determining significance on very similar projects.

Assuming that good judgement will prevail, there is only a low risk associated with misinterpreting the meaning of significance.

Recommendation # 9:

In consultation with stakeholders, the Agency could consider reviewing and improving the guideline on determining the significance of environmental effects and test the guideline in the field.

10. It is unclear what to include within the scope of a project to be assessed and it is unclear what level of detail a screening report should have (scope of assessment).

The scope of a project to be assessed, and the scope of the factors to be assessed are key in determining all the environmental effects a project may have on the environment. It establishes what is to be assessed in relation to a project. An insufficient scope may lead to missed impacts. The scope of an assessment is to be determined or approved by the RA.

A difficulty for agencies and departments working outside Canada is the lack of control on what the physical boundaries of a project are. Determining the scope of the project is value based and the partner's interpretation of the scope of a project to be assessed may differ with that of the federal authority. The Act does not provide criteria to determine what is sufficient scope to be in compliance with the Act. If challenged in court, it may be determined after the fact that other components should have been included.

Likewise, there is the uncertainty whether the screening has a sufficient level of detail to meet a court's expectation. A more prescriptive approach would provide assurance to all involved that the screening is meeting the expectations of the Act.

Magnitude of the Issue:

The issue is ongoing for all projects implemented outside Canada by departments and agencies.

Risk Assessment:

The appropriate determination of the scope of a project is critical in conserving and enhancing environmental quality. From a risk assessment viewpoint, determination of the scope does not pose significant operational difficulties in conducting the EA. Nevertheless, it is important to appropriately determine the scope to ensure all impacts are captured and economic development is adequately conserving and enhancing environmental quality. Without guidance, the objective may not be met. There is a medium risk of misinterpretation of the Act.

Recommendation # 10:

For both mechanisms proposed in this study (i.e., a separate mechanism for foreign aid projects and the amended Act and POC), either of the following could be considered:

- a) In recognition of sovereignty, the Agency could consider in consultation with stakeholders, developing a provision whereby the determination of scope of the project and of the factors to be considered is conducted in consultation with the foreign jurisdiction.
- b) In consultation with stakeholders, the Agency could consider providing a more prescriptive formula for determining the scope of the project and the scope of the factors to be considered.

11. Class screening still requires a site visit.

Section 19 of the Schedule to the POC Regulations deals with the recommendation of filing for a class screening report. For class screenings, the Agency determines that a screening report could be used as a model in conducting screenings of other projects within the same class. The RA may use the class screening to whatever extent is appropriate and would ensure adjustments are made to take into account local conditions.

Although class screenings have merit, the study found that they were not as useful when conducting an EA in a foreign setting. Site visits are still required to conduct screenings for repeat projects with known and proven technologies. For example, the construction of rural schools is an ongoing activity at CIDA with predictable outcomes.

Magnitude of the Issue:

At CIDA the issue occurs at a low frequency.

Risk Assessment:

The issue does not pose operational difficulties in implementing the Act. Instead, the need to conduct site visits for class assessment poses an additional administrative burden of visiting sites when the benefits are not obvious. There is no risk of misinterpreting the Act.

Recommendation # 11:

- (a) See Recommendation # 5 regarding the broadening the *Exclusion List Regulations* to include projects with minimal environmental effect and projects with minimal or insignificant environmental effects because of proven mitigation measures.
- (b) In consultation with stakeholders, the Agency could consider retaining class assessments, as they may be useful for repetitive projects that have minor adverse environmental effects but do not warrant being placed on the adapted *Exclusion List Regulations* (e.g., the construction of school).

Background

When operating in a foreign jurisdiction, a Canadian department or agency needs to consider the challenge of adapting to a foreign setting. This may include a different language, etiquette for inter-personal relationships, religion, government regimes and management of public works. The basic approach to life and work is set within the country's "cultural framework".

For the context of this study, the term "standard of operation" will be used to mean the approach to conducting business and it includes factors such as language, religion, social etiquette, technology and government regime. It is important to recognize that the "standard of operation" in a foreign jurisdiction is not synonymous with the "standard of operation" in Canada.

The POC Regulations set out an EA process for projects occurring in foreign jurisdictions when essential details are known; under those circumstances, the POC process is to be applied on a project.

NOTE:: The POC Regulations apply to triggers under paragraphs 5(1)(a) and (b) and subsection 54(2) of the Act only applies to the 5(1)(b) trigger.

When essential details of a project are not known, subsection 54(2) of the Act deals with using a foreign process. It states:

... in relation to projects the essential details of which are not specified and that are to be carried out both outside Canada and outside federal lands, the Government of Canada or the federal authority shall ensure, in so far as is practicable ... that the agreement or arrangement provides for the assessment of the environmental effects of those projects and that the assessment will be carried out as early as practicable in the planning stages of those projects, before irrevocable decisions are made, in accordance with

- (a) this Act and the regulations; or
- (b) a process for the assessment of the environmental effects of projects that is consistent with the requirements of this Act and is in effect in the foreign state where the projects are to be carried out.

Subsection 54(2) of the Act indicates that when, at the time of the signing of a funding agreement with respect to a project outside Canada and outside federal lands, essential details of a project are not known, the funding agreement must provide that an EA of the project will be conducted as early as practicable in the planning stages of the project. The EA must be in accordance with the Act and the POC Regulations or a foreign process that is consistent therewith.

The following are issues identified by stakeholders and are related to experiences and constraints of applying the Act and POC Regulations on projects occurring in a foreign jurisdiction.

Issues related to operating in a foreign jurisdiction

12. Foreign culture, government regimes and the difficulty to travel to all project sites can complicate the determination of scope.

The scope of an assessment is key in determining the adverse environmental effects of a project. It establishes what is to be assessed in relation to a project. An insufficient scope may lead to missed impacts. The scope of an assessment is to be determined or approved by the RA.

In a foreign setting it is not always possible to visit sites, or to consider components beyond the proposed project in the assessment. These limitations are the reality of operating in a foreign setting within the foreign jurisdiction's standard of operation. When building a plant or an Embassy/High Commission, the partner country may choose not to allow any element beyond the physical boundaries of the proposed structure to be included in the EA. Some partner countries will refuse to provide information.

At times, it is the Executing Agency that determines the scope of a project to be assessed. The RA accepts or refuses the scope determination, from its headquarters in Canada. In CIDA's case, it would be economically prohibitive to travel to each project site to confirm the scope of the project. With many small projects requiring an EA (e.g., projects may have a value of \$5,000 - \$25,000 CDN), this is not practical.

As a result, the EAs may not be capturing all components with potential for adverse environmental effects. This is an issue for all projects emerging from Partnership Branch at CIDA.

The following is an example for consideration:

EXAMPLE OF FOREIGN CULTURE OR STANDARD OF OPERATIONS THAT COMPLICATE THE DETERMINATION OF SCOPE:

An EA was conducted for the construction of a neo-natal primary care clinic in a partner country. The partner country prepared the screening report, which did not disclose any anomalies, and the project was initiated. The scope was approved, the screening conducted and the decision on the course of action was taken by the RA. The project came to a halt when the executing agency went on site and realized the neo-natal primary care clinic was being built next to an existing gas station. The partner country had not identified the gas station in the scope of the assessment and it would have potential to affect the health and safety of neighbors.

Magnitude of the Issue:

This is an issue for all projects emerging from Partnership Branch at CIDA.

Risk Assessment:

The inability to determine scope because of dealing in a foreign setting ranges from limited to significant operational difficulties in implementing the Act. The scope may come short of expectations and the components omitted may have significant adverse environmental effects. It does not pose a risk to misinterpreting the Act.

Recommendation # 12:

In consultation with stakeholders and to address DFAIT concerns, the Agency could consider including in the Act or the POC Regulations a provision that recognizes the partner country's standard of operation (language, religion, social etiquette, technology, and government regimes). The provision would recognize the standard of operation of the foreign country might be substantially different from the Canadian standard of operation. As a result, the scope and EAs conducted in partner countries would differ in approach and outcome.

Pursuant to Recommendation # 2, a separate mechanism for foreign aid will allow for greater flexibility to accommodate foreign standards of operation; to better address sovereignty concerns; and to eliminate the need for an EA when the foreign country has its own process that meets international standards; and to provide flexibility on determining the scope.

13. Data for assessing environmental effects is not always available.

Screening of projects includes the consideration of environmental effects. Subsection 2(1) of the Act defines environmental effect. In assessing the effects a project may have on the environment, it is normal practice to obtain baseline data for analysis and conduct further surveys if necessary. Maps, aerial photographs, hydrological data are consulted, and the location of flora and fauna is identified to determine significance of wildlife corridors and how they connect to other natural areas.

In some countries, maps are rare or non-existent and, in others, they are illegal to be possessed other than by government or the military. Therefore, relevant data to assess environmental effects is often not available at the source. Moreover, if the data is available, often there are delays in gathering the information or the data is questionable. This makes the analysis of environmental and biophysical resources difficult, as well as the determination of any effects a project could have on them. As a result, screenings are conducted using the information and technology available, which can amount to using local traditional knowledge. This may be adequate at times and not in other circumstances.

The measurement of cumulative environmental effects requires consideration of the past, present and the future. The cumulative effects of the past have molded today's landscape. An EA, therefore, considers the cumulative effects of the past. Cumulative effects of the present are normally captured in the scope of the project to be assessed and the scope of the factors. The cumulative effects of the future rely on reviewing plans. Plans are not always readily available and are no guarantee of future outcomes. There is uncertainty regarding which cumulative environmental effects of projects and activities should be included in the assessment. The philosophy of sustainable development provides a more tangible reference point for the practitioner because sustaining resources for future generations is easier to understand by practitioners than measuring the cumulative effects.

Magnitude of the Issue:

This is an ongoing issue for all projects emerging from CIDA in addition at DFAIT there is uncertainty regarding the requirements of the Act in respects to adequately addressing cumulative effects.

Risk Assessment:

Project and environmental data are the platforms on which EAs are conducted. With limited data, an assessment is difficult, and only with a full complement of data is a complete assessment possible. Lacking data will pose operational difficulties in implementing the Act. It will cause difficulties in conducting screenings (conclusions

will not be fully supported by evidence) and it will cause difficulties in meeting the objectives of the Act. However, the issue will not pose a risk of misinterpreting the Act.

Recommendation # 13:

For both mechanisms proposed in this study (i.e., a separate mechanism for foreign aid projects and the amended Act and POC), the Agency could consider recognizing the constraints of obtaining data associated with obtaining data for the assessment of environmental effects.

14. Practitioners have expressed concerns that the definition of environment does not make explicit reference to people.

In the Act, the definition of environment means the components of the Earth, and includes:

- Land, water and air, including all layers of the atmosphere;
- All organic and inorganic matter and living organisms; and
- The interacting natural systems that include components referred to in the two preceding lines.

Environmental effects, as defined in the Act, means changes the project may cause in the environment. This includes any impacts the environmental effects may have on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by aboriginal persons, etc., and any change the project may cause on the environment. It may be interpreted that the definition of the environment in the Act excludes people. It would facilitate the cost-effective application of the Act, as intended, if the definition of environment made explicit reference to include people. This would avoid the unnecessary misinterpretations and the need to seek legal advice, as was done in the past.

It is important to make explicit reference to people in the definition of environment because many projects impact on people directly. Projects initiated by CIDA and DFAIT in foreign settings (e.g., Canada Fund projects) are often directed at improving the health and living conditions. The EA process in the Act is to assess the potential environmental effects of a project. The impact on humans is considered but only for those impacts that are caused by the effects to the environment caused by the project. Any impacts on humans caused directly by the project may not be considered because of the wording of the definition of environment.

The Preamble of the Act states: "... EA provides an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development." However, sustainable development can only be achieved through people. Most of the impacts of projects are on people, yet the assessment does not necessarily take these impacts into account because the definition of environment does not make explicit reference to people.

Consider the following examples described in the box.

EXAMPLES OF THE NEED FOR TO EXPAND THE DEFINITION OF ENVIRONMENT TO INCLUDE PEOPLE:

Projects with no effects on the environment are considered by the Act to have no adverse environmental effects. Yet, some of these projects may be displacing people, reducing their health or their capacity to harvest food.

Example (Health) 1:

An irrigation project that backs up water could impact people downstream in need of the water. The containment pond may create standing water that becomes a breeding ground for mosquitoes, which are vectors of malaria. A change in the water regime means there are winners and losers upstream and winners and losers downstream. Upstream, people win by having more water and lose by enhancing the likelihood of malaria. Downstream, people lose by a reduction in the water supply, yet win by reducing the likelihood of malaria. When conducting projects that impact on people, mitigation measures need to address the primary needs of people.

Example (Displacing People) 2:

There are minimal impacts to the environment from the construction of a factory on land with minimal vegetation and is hard-packed by human use. Therefore, there are no changes in the environment and the EA would end at this point based on an interpretation of the definitions of environment and environmental effects. If changes to the environment had occurred, the impact of any changes could be considered for human activities.

People living on the site would have been displaced by the construction of the factory. The Act does not have provisions that make explicit reference to the impacts the project has on people and therefore the displacement of people can be missed.

Example (Removal of Capacity to Harvest Food) 3:

An agricultural project enhanced production of crops, reduced erosion and provided a means of income for a local population. The project was constructed on plains where a nomadic tribe trekked, and has done so for generations, in their normal quest for food. In applying the Act there was no need to recognize the impacts that the project had on the tribe. In actuality the tribe was deprived of a harvest-route that they knew. Furthermore the project was constructed on the tribe's burial grounds depriving them of their traditional ritual to their dead and of burial place for their future dead.

Magnitude of the Issue:

CIDA's projects are intended to help developing nations. Therefore, many CIDA projects have a human focus and impact on people. Also, DFAIT's projects outside Canada have a direct human impact given that they occur in urban settings.

Risk Assessment:

The issue does not pose any problem in conducting screenings or implementing sections 14 to 45 of the POC Regulations. Nevertheless, not including specific reference to people in the definition of environment presents significant operational difficulties in implementing the Act or meeting its intent stated in the Preamble. The Preamble states " . . . EA provides an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development." Sustainable development can only be achieved by considering people in the definition of environment. In some instances the changes to the environment caused by a project may cause effects on people and these are considered in the EA process. The Act does not explicitly consider impacts on people caused directly by the project.

The issue poses a significant risk of misinterpreting the Act.

Recommendation # 14:

In consultation with stakeholders, the Agency could consider adding "people" to the definition of environment. This would clarify what should be considered when assessing environmental effects.

It is understood that this recommendation may have significant policy implications. Some stakeholder departments expressed the need for discussion of this issue before adopting the recommendation.

15. Determination of the significance of environmental effects on projects in foreign jurisdictions is culturally based and may not reflect Canadian values.

Section 16 of the POC Regulations requires that every screening shall include a consideration of the significance of environmental effects of the project. However, the study found that significance of environmental effects is culturally based and may be measured differently from one country to the next.

The circumstances encountered in foreign jurisdictions allow for the significance of effects to take on the values of the local population in contrast with Canadian values. There are various religions, languages and values affecting the definition of what is significant. The difference in cultures between the partner country and Canada needs to be recognized in the Act or in the POC Regulations. If the significance of environmental effects is challenged in court, cultural differences can be considered with more certainty if a provision in the Act acknowledges the distinct "standard of operation" of the other countries.

EXAMPLE WHERE DETERMINATION OF SIGNIFICANCE CAN BE CULTURALLY BASED:

Many partner countries place high value on cultural artifacts, sites and customs and would stop a project if it had adverse effects on them. Their choice may not reflect the choice of Canadians. Therefore, EA results and recommendations in foreign settings may be different than for EAs conducted in Canada.

Magnitude of the Issue:

The issue is ongoing for CIDA projects.

Risk Assessment:

The issue does not pose significant operational difficulties in implementing the Act. There is, however, a risk of differing interpretations from one practitioner to the next when conducting EAs on projects in foreign jurisdictions with respect to significance. One practitioner could give more importance to local culture while another practitioner may give more importance to Canadian values when determining significance. Without guidance in the Act, the government of Canada will be determining significance inconsistently, at times based on Canadian values, at times on local values and or a mix of the two.

Recommendation # 15:

See recommendation # 2 regarding development of a separate mechanism for the assessment of foreign aid projects.

16. A partner country may not accept the application of the Act in their jurisdiction because it is viewed as an imposition on its sovereignty.

When the essential details of a project are known, the federal authority must ensure the POC Regulations are implemented. When the essential details of a project are not known, paragraph 54(2)(b) of the Act applies. It requires that an agreement between the federal authority and the partner country include the requirement to conduct an assessment of environmental effects once the essential details of the project are known. A foreign process can be used as long as it meets the requirement of the Act as far as is practicable.

Foreign countries may view the implementation of the Act, or the request to conduct an EA process that is in accordance with the Act, as a breach of their sovereignty. It can be viewed as imposing Canadian legislation on their planning process.

In most instances, the partner country determines their own needs, conducts their own planning and then applies for foreign aid money. CIDA is approached and reviews the list of projects the country has identified. CIDA selects projects that it is interested in funding based on its program objectives. To be in compliance with the Act, CIDA must inform the country that the Canadian EA process will be applied to its project. In doing so, CIDA can be viewed as paternalistic and challenging the partner country's right to manage their resources and identify their needs. In many cases, the country does not accept the interpretation that the EA process is being conducted in relation to the expenditure of Canadian money, nor do they accept the implementation of the Act.

EXAMPLES SHOW WHERE FOREIGN JURISDICTIONS DO NOT ACCEPT THE ACT BEING APPLIED TO THEIR PROJECT.

Example 1:

A mining project in a partner country aims to increase the production of the mine. CIDA requests that an EA be conducted under the Act because it is financing the modification of an existing physical work. The partner country's EA process is not triggered by the proposed increase in capacity and it does not see why Canadian legislation should override its EA process.

Example 2:

In a partner country, the domestic EA process is similar to that of the province of Ontario. In fact, a Canadian firm assisted the country in developing the EA process. The Government of the country has certified four local firms to conduct EAs in the country and only those firms can carry out an EA. When CIDA has a project in that partner country, the local government arranges for the EA to be conducted. However, the domestic process is not in accordance with the Act. When the executing agency initiates completion of the missing elements to satisfy the requirements of the Act, it is informed that only the four local firms can do EAs.

Magnitude of the Issue:

This is an ongoing issue for CIDA's bilateral branches, which respond to recipient country requests for foreign aid dollars. The issue cannot be resolved through a condition in the contribution agreement because it is still perceived as an infringement on sovereignty.

Risk Assessment:

The Act, in spite of subsection 54(2), can be seen as offensive to partner countries requesting funds for their projects. It can also be viewed as a breach of their sovereignty. The issue poses an operational difficulty in implementing the Act, as explanations with the partner country are required prior to moving forward with the process. The issue does not pose a risk of misinterpretation of the Act.

Recommendation # 16:

See recommendation # 2 regarding the development of a separate mechanism for the assessment of foreign aid projects.

17. Implementing the Act often means duplicating an EA that is already being conducted by the partner country using its process.

Many projects subject to assessment under the Act also are subject to assessment under EA regimes in the partner country. At the time of the proclamation of the Act, it was intended that Canada would follow a "one project – one assessment" approach. However, the Act has few provisions to exclude projects from assessment to avoid duplication.

While paragraph 59 (i) of the Act makes provisions to vary or exclude aspects of the EA process, the RA must ensure consistency with section 54 of the Act (which sets out minimum assessment requirements for an EA that is in accordance with the requirements of the Act). As a result, if the partner country's EA process is not in accordance with the Act, CIDA must undertake a separate EA process. This duplication is both costly (in money and time) and may be viewed as paternalistic by the partner country.

Magnitude of the Issue:

The magnitude cannot be determined with certainty, as the information is not recorded.

Risk Assessment:

The issue does not pose an operational difficulty in implementing the Act and it does not pose a risk of misinterpretation of the Act.

Recommendation # 17:

See recommendation #2 regarding the development of a separate mechanism for the assessment of foreign aid projects.

18. "Public" is not defined in the Act.

Defining the term "public" in the Act will provide clarification with respect to public consultation and the public registry. Section 55 of the Act states, "a public registry shall be established and operated in a manner to ensure convenient public access to the registry."

If "public" means the affected public, then the public registries should be available to the partner country and the local public should be consulted. If the "public" means the Canadian public, the public registries should be kept in Canada and the Canadian public should be consulted.

The implications of having the Public Registry in Canada are that the affected public does not have convenient access and the public registry is in one location. Having a public registry near the project site (at the mission) implies maintaining public registries at all the missions. The public registry can be an administrative burden depending on the definition of "convenient public access". It may also be relevant to consider intensity of demand to view records. For example, at DFAIT there is a very low public demand for access to EA records.

Magnitude of the Issue:

The lack of a definition for public is an ongoing issue for the maintenance of the public registries. The issue of public consultation is a minor issue to CIDA for operationalizing the Act as it is not a mandatory requirement. However, it may be a significant issue for the public and special interest groups since public consultation is not assured.

Risk Assessment:

"Public" not being defined poses uncertainty when conducting EAs in respects to public consultation and public registries. There is a definite risk of misinterpreting the Act when a key term is not defined. It is left open to interpretation.

Recommendation # 18:

- (a) In consultation with stakeholders the Agency could consider, for added clarity, defining "public" through an amendment to the Act.**
- (b) In consultation with stakeholders, the Agency could consider amending the Act to allow delegating the responsibility for maintaining the public registry to the partner country. In turn, a Canadian public registry of project titles could be located centrally in Canada for convenient access to Canadians.**

- (c) In consultation with stakeholders, the Agency could consider amending the Act to specify that a public registry on the Internet is a valid way to provide convenient public access.

19. Providing the opportunity for public consultation is not always possible in foreign countries even for sensitive projects where Canadians would normally expect it.

The process of allowing the opportunity for the public to comment on a project is a part of Canadians political values. The same public consultation processes used in Canada may not be as readily accepted in a foreign country, due to different values or political regimes that exist in those countries.

While the POC Regulations allow for a discretionary use of public consultation, individual Canadians, NGOs and other organizations may feel that public consultations are warranted for some projects. Thus, there is some ambiguity as to whether a public consultation should be initiated. CIDA and DFAIT feel that more precision and, therefore, more certainty is required in the Act.

EXAMPLE OF HOW PUBLIC CONSULTATION CAN DIFFER FROM CANADIAN EXPECTATIONS.

Public consultation is conducted based on standards of operation in the host country. For example, for projects related to chancellery buildings in Japan, DFAIT staff consults with immediate neighbours only. In Canada, however, consultation would occur on a broader basis. This example demonstrates the differences in accepted approaches to public consultation.

Magnitude of the Issue:

The magnitude of the issue cannot be readily obtained in quantifiable terms. However, this issue was considered important to DFAIT and CIDA.

Risk Assessment:

The issue poses some operational difficulty when the RA decides that public consultation is desirable and it cannot be implemented as it would in Canada. There is the risk of varied interpretations of the Act by the public.

Recommendation # 19:

The Agency, in consultation with stakeholders, should consider means of raising awareness regarding the varying challenges associated with conducted public consultations abroad.



Appendix A

Stakeholders Consulted

Agency/Dept	Interviewee	Title
CIDA	Bob Weir	Chief, EA Compliance Unit
	John Robinson	Vice-President
	Bernard Boudreau	Environmental Specialist
	Claire Miquet	Environmental Specialist
	Wendy Reid	Legal Counsel
	Carmen Drouin	Environmental Specialist
	Judi Allen	Environmental Specialist
	Kamoggi Wachira	Environmental Specialist
	Brian Weller	Environmental Specialist
	Anil Gupta	Environmental Specialist
NR Canada	Liviu Vancea	Senior Policy Advisor, Environment
	J.-Michel Bourgon	Team Leader, Office of Eval Affairs
	Brian Moore	
	Joanne Kellerman	Legal Counsel
DND	Robert Gaudette	Director
	Gerry Agusta	Environmental Assessment
	Ralph Osterwald	Legal Counsel, Environment
Environment Canada	Garry McLean	Environmental Assessment Officer
DFAIT	Jay Shuttleworth	Director, Environmental Services
	Thomas Gilmore	Deputy Director Environment
	David Jacques	Legal Services
	Frank Townson and Staff	Director Property
	Brian Jeannes	Delhi
	Ken Pearson	London
Veterans' Affairs	Shane Hennessey	Environment Officer



Appendix B

Summary of Recommendations

Recommendation # 1:

- (a) In consultation with stakeholders, the Agency could consider restructuring the Act to ensure EAs are conducted at the onset of project planning rather than before project financing.
- (b) In consultation with the Agency, federal authorities could consider examining their internal procedures to better use the Act as a planning tool.

Recommendation # 2:

In consultation with stakeholders, the Agency could consider developing a separate mechanism to assess the environmental effects of foreign aid projects.¹ This separate mechanism could address the issues of capturing undertakings with potential for significant environmental damage in either of the following ways:

- I. In consultation with stakeholders, the Agency could consider developing a list of project categories and could include those undertakings that have potential for significant adverse effects that are now being missed by the Act. The list could be used instead of the defining "a physical work" in the Act. This may prove to be simpler to understand and provide certainty in knowing what is a project under the Act.²
- II. In consultation with stakeholders, the Agency could consider further defining the term "a physical work" to include those undertakings that have potential for significant environmental impact. This recommendation may also imply the broadening of the *Inclusion List Regulations* for projects outside Canada and perhaps the provision of more specific lists for foreign aid projects.

Recommendation # 3

See Recommendation # 2 (I) and (II). For CIDA, either of the above-noted options could be developed within a separate mechanism for the assessment of environmental effects

¹ Foreign aid projects include Official Development Assistance (i.e., ODA supports sustainable development in developing countries, in order to reduce poverty and to contribute to a more secure, equitable and prosperous world). and aid to Central and Eastern Europe and to the former Soviet Union.

² The Environment Department of the World Bank uses lists of project categories. The selection of categories is based on professional judgement and information available at the time of project identification. Reference: World Bank Operational Directive 4.01.

for foreign aid projects. However, for DFAIT, either of the above-noted options could be considered by modifying the Act and the POC regulations.

Recommendation # 4

- a) In consultation with stakeholders, the agency could consider removing "... Financial assistance to the proponent" from 5(1)(b) of the act and replace with "... Financial assistance to the project"

Note: some stakeholder department and agencies asserted that this recommendation might have widespread impact on certain departments. Therefore, discussion is required prior to adopting this recommendation.

- b) In consultation with stakeholders, the agency could consider removing "... Financial assistance to the proponent" from paragraph 5(1)(b) of the act and replace with "... Financial assistance to the "executor of the project".

Recommendation # 5

In consultation with stakeholders, the Agency could consider developing distinct *Exclusion List Regulations* for projects outside Canada to exclude those projects with minimal environmental effects and those projects that have minimal or insignificant environmental effects because of proven mitigation measures.

Recommendation # 6:

- (a) In consultation with stakeholders, the Agency could consider allowing assessment of environmental effects based on EDC's internal EA framework or pursuant to another international EA process when CIDA co-finances a project with a non-federal authority .
- (b) In consultation with stakeholders, the Agency could consider allowing CIDA to be exempt from the Act when co-financing a project with a non-federal authority.

Recommendation # 7:

- (a) In consultation with stakeholders, the Agency could consider developing the *Minimal Federal Involvement Regulations* to exclude projects from the Act where Canada is a minimal contributor. The minimal federal involvement could take the form of excluding projects on the basis of a funding threshold (or on the basis of a percentage of total funding); or on the basis of a minimal project scope threshold.

- (b) In consultation with stakeholders, the Agency could consider defining "financial assistance" in the Act for the purposes of projects outside Canada to exclude any "financial assistance" that does not include decision-making authority for the RA.

Recommendation # 8:

In consultation with stakeholders, the Agency could consider a project list to be included in the proposed mechanism for foreign aid projects that would require an enhanced assessment.

Recommendation # 9:

In consultation with stakeholders, the Agency could consider reviewing and improving the guideline on determining the significance of environmental effects and test the guideline in the field.

Recommendation # 10:

For both mechanisms proposed in this study (i.e., a separate mechanism for foreign aid projects and the amended Act and POC), either of the following could be considered:

- (a) In recognition of sovereignty, the Agency could consider in consultation with stakeholders, developing a provision whereby the determination of scope of the project and of the factors to be considered is conducted in consultation with the foreign jurisdiction.
- (b) In consultation with stakeholders, the Agency could consider providing a more prescriptive formula for determining the scope of the project and the scope of the factors to be considered.

Recommendation # 11:

- (a) See Recommendation # 5 regarding the broadening the *Exclusion List Regulations* to include projects with minimal environmental effect and projects with minimal or insignificant environmental effects because of proven mitigation measures.
- (b) In consultation with stakeholders, the Agency could consider retaining class assessments, as they may be useful for repetitive projects that have minor adverse environmental effects but do not warrant being placed on the adapted *Exclusion List Regulations* (e.g., the construction of school).

Recommendation # 12:

In consultation with stakeholders and to address DFAIT concerns, the Agency could consider including in the Act or the POC Regulations a provision that recognizes the partner country's standard of operation (language, religion, social etiquette, technology, and government regimes). The provision would recognize the standard of operation of the foreign country might be substantially different from the Canadian standard of operation. As a result, the scope and EAs conducted in partner countries would differ in approach and outcome.

Pursuant to Recommendation # 2, a separate mechanism for foreign aid will allow for greater flexibility to accommodate foreign standards of operation; to better address sovereignty concerns; and to eliminate the need for an EA when the foreign country has its own process that meets international standards; and to provide flexibility on determining the scope.

Recommendation # 13:

For both mechanisms proposed in this study (i.e., a separate mechanism for foreign aid projects and the amended Act and POC), the Agency could consider recognizing the constraints of obtaining data associated with obtaining data for the assessment of environmental effects.

Recommendation # 14:

In consultation with stakeholders, the Agency could consider adding "people" to the definition of environment. This would clarify what should be considered when assessing environmental effects.

It is understood that this recommendation may have significant policy implications. Some stakeholder departments expressed the need for discussion of this issue before adopting the recommendation.

Recommendation # 15:

See recommendation # 2 regarding development of a separate mechanism for the assessment of foreign aid projects.

Recommendation # 16:

See recommendation # 2 regarding the development of a separate mechanism for the assessment of foreign aid projects.

Recommendation # 17:

See recommendation #2 regarding the development of a separate mechanism for the assessment of foreign aid projects.

Recommendation # 18:

- (a) In consultation with stakeholders the Agency could consider, for added clarity, defining "public" through an amendment to the Act.
- (b) In consultation with stakeholders, the Agency could consider amending the Act to allow delegating the responsibility for maintaining the public registry to the partner country. In turn, a Canadian public registry of project titles could be located centrally in Canada for convenient access to Canadians.
- (c) In consultation with stakeholders, the Agency could consider amending the Act to specify that a public registry on the Internet is a valid way to provide convenient public access.

Recommendation # 19:

The Agency, in consultation with stakeholders, should consider means of raising awareness regarding the varying challenges associated with conducted public consultations abroad.



Appendix C

Environmental Assessments Conducted by CIDA³

FEAI	Project Description	Environmental Assessment Start Date	CIDA's Dollar Value Contribution to the Project ⁴	CIDA Program	EA Trigger
4588	1. Manufacture of Household Cleaners	Feb 1, 95	208,300	Partnership	Money
4487	2. Setup of a Juice Plant	Feb 20, 95	286,437	Partnership	Money
8683	3. Steel Pole Manufacturing Plant Tonga. Construction of a plant - East Coast Pole	Feb 28, 95	341,392	Partnership	Money
4490	4. Construction of a chemical blending plant and laboratory (oil industry related)	Apr 15, 95	450,000	Partnership	Money
13812	5. Facilitate the operation of a Feed Industry Centre by providing technical assistance, services, administration, training and project evaluation	Apr 15, 95	5,000,000	Bilateral	Money
2091	6. Subsurface Drainage Infrastructure for Banana Production	Apr 19, 95	100,000	Partnership	Money
4492	7. Implementation of a Post-Harvest Management Unit	May 31, 1995	116,283	Partnership	Money
15497	8. Construction of a Chicken Hatchery	Jun 1, 95	407,000	Partnership	Money

³ The information on projects for which an EA was conducted was obtained from CIDA's index for the Public Registries and the associated dollar value from CIDA's Corporate Memory Services.

⁴ For more certainty on dollar values for CIDA projects the appropriate CIDA representative should be consulted.

FEAI	Project Description		Environmental Assessment Start Date	CIDA's Dollar Value Contribution to the Project	CIDA Program	EA Trigger
2092	9.	Set up of a plant in relation to the operation of a physical, Peru	Aug 1, 95	266,250	Partnership	Money
5839	10.	Zimbabwe: construction and installation of wells and dams.	Aug 1, 95	4,500,000	Bilateral	Money
4489	11.	Sanitary Centre (showers and toilets)	Aug 12, 95	34,224	Partnership	Money
4488	12.	Construction of a fence, Colombia	Aug 18, 95		Partnership	Money
2093	13.	Construction of customs offices and training for customs officers	Sep 25, 95	4,895,593	Bilateral	Money
5031	14.	Nuclear waste disposal	Oct 1, 95	501,963	Central and Eastern Europe	Money
4591	15.	Capacity Building in Village, Construction of Training Centres and Schools	Oct 12, 95	165,713	Partnership	Money
4491	16.	Extension of Printing Institute, Provision of water to the institute	Oct 19, 95	79,690	Partnership	Money
17910	17.	Silk Training and Production	Oct 19, 95	44,000	Partnership	Money
4589	18.	Rehabilitation of Schools and Health Clinics	Oct 31, 95	10,100,000	Bilateral	Money
3236	19.	Construction of Laboratory for biological control of vaccines	Nov 14, 95	615,000	Central and Eastern Europe Programs	Money
4590	20.	Water System	Dec 1, 95	82,511	Partnership	Money
16967	21.	Rehabilitation provided to Earthquake Victims, Installation of an oilseed plant	Dec 15, 95	116,666	Partnership	Money

FEAI		Project Description		Environmental Assessment		CIDA's Dollar Value Contribution to the Project		CIDA Program		EA Trigger
				Assessment Date						
4262	22.	Social Reconstruction Program		Jan 1, 96		25,000,000	Bilateral			Money
7081	23.	Construction of Clinic and Dwellings		Jan 15, 96		60,125	Partnership			Money
7082	24.	Rural employment and Development Network, Establishment of Training Centres		Jan 15, 96		488,800	Partnership			Money
7079	25.	Introduction of energy efficient technologies, policy development, management system, demonstrate energy		Mar 3, 96		8,447,885	Bilateral			Money
9431	26.	Community Micro-Hydro System Mali, Construction of Beni Dam in Mali		Apr 1, 96		5,325,000	Partnership			Money
9432	27.	Community Centre Project		Apr 1, 96		28,866	Partnership			Money
9935	28.	Nepal, Construction of Karange Watershed Conservation and Management project		Apr 1, 96		50,000 or less	Mission Administered Funds			Money
9936	29.	Nepal, Construction of the Environment and Agriculture Support Project		Apr 1, 96		50,000 or less	Mission Administered Funds			Money
9937	30.	Nepal, Repair of the Environmental Rehabilitation and refurbishment of irrigation		Apr 1, 96		50,000 or less	Mission Administered Funds			Money
9938	31.	Nepal, Construction of schools, supply furniture		Apr 1, 96		50,000 or less	Mission Administered Funds			Money
9939	32.	Nepal, Installation of the Rural Electrification Project		Apr 1, 96		50,000 or less	Mission Administered Funds			Money
9940	33.	Nepal, Maintenance of the source protection and rehabilitation of traditional wells		Apr 1, 96		50,000 or less	Mission Administered Funds			Money
9947	34.	Sri Lanka, Digging of a trench to provide drinking water		Apr 1, 96		50,000 or less	Mission Administered Funds			Money

FEAI		Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project.	CIDA Program	EA Trigger
9948	35.	Sri Lanka, Construction of Water & Sanitation/Karawwa - construction of toilets		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9949	36.	Sri Lanka, Installation of Water for agriculture for small industries		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9950	37.	Sri Lanka, Maintenance of Thirukkovil Highland Crop Cultivation		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9962	38.	Papua New Guinea, Repair-Renovation of Tapen Sub-Health Centre		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9963	39.	Papua New Guinea, Construction to build a new classroom in New Georgia		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9964	40.	Papua New Guinea, Construction of St-Stephen's classrooms for Vocational T		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9968	41.	India, Operate a mushroom cultivation plant		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9969	42.	India, Establishment of an angora rabbit breeding farm		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
9970	43.	India, Construction of two centres for training and marketing		Apr 1, 96	50,000 or less	Mission Administered Funds	Money
11108	44.	Nepal, Construction of a small dam		Apr 25, 96	5,325,000	Partnership	Money
7080	45.	Construction of a Housing Cooperative		Jun 1, 96	237,652	Partnership	Money
9934	46.	Malawi, Regional Food Aid Emergency food assistance to combat famine from drought		Jun 1, 96	4,177,830	Bilateral	Money
9951	47.	Sri Lanka, Maintenance of Home gardening at Athimodai		Jun 30, 96	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project ¹	EA Trigger	
					CIDA Program	
9952	48.	Sri Lanka, Construction of Thelulla Carpentry Training Centre	Jun 30, 96	50,000 or less	Mission Administered Funds	Money
9953	49.	Sri Lanka, Improving the Centre for Disabled Persons	Jun 30, 96	50,000 or less	Mission Administered Funds	Money
9971	50.	India, Construction of a production shed for embroidery	Jun 30, 96	50,000 or less	Mission Administered Funds	Money
9972	51.	India, Income Generating Units for Sustainable Development for Women	Jun 30, 96	565,000	Partnership	Money
9941	52.	Nepal, Installation of the water supply and sanitation project	Jul 1, 96	50,000 or less	Mission Administered Funds	Money
8682	53.	Vocational Training of Rural Health Workers	Aug 15, 96	252,000	Partnership	Money
16755	54.	Solid Waste Management	Aug 26, 96	500,000	Central and Eastern Europe	Money
9942	55.	Nepal, Installation of the Multipurpose irrigation cum micro hydropower project	Sep 1, 96	50,000 or less	Mission Administered Funds	Money
9965	56.	Papua New Guinea, Installation of Vonunu Area Water Supply - Secondary School	Sep 1, 96	50,000 or less	Mission Administered Funds	Money
9966	57.	Papua New Guinea, Construction to build assembly hall for St-Nicholas Primary School	Sep 1, 96	50,000 or less	Mission Administered Funds	Money
9967	58.	Papua New Guinea, Expansion of Extension of Namburu Health Centre - install septic tank	Sep 1, 96	50,000 or less	Mission Administered Funds	Money
18291	59.	Benin, Construction of a three classes module	Sep 9, 96	50,000 or less	Mission Administered Funds	Money
9943	60.	Nepal, Construction for the renovation of buildings and construction of schools	Sep 30, 96	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's		EA Trigger
				Dollar Value	CIDA Program	
				Contribu tion to the Project ¹		
9944	61.	Nepal, Construction of the Hostel Construction and Classroom Furnishing	Sep 30, 96	50,000 or less	Mission Administered Funds	Money
9945	62.	Nepal, Maintenance to provide potable water and improve sanitation facilities	Sep 30, 96	50,000 or less	Mission Administered Funds	Money
9946	63.	Nepal, Operation to a set a cooperative for Cultivation, mgt/process herb	Sep 30, 96	50,000 or less	Mission Administered Funds	Money
9973	64.	India, Construction of a Handloom Durry and Block Printing Units for Rural Women	Sep 30, 96	50,000 or less	Mission Administered Funds	Money
17445	65.	Manufacturing of small bamboo articles, China	Sep 30, 96	129,745	Partnership	Money
13815	66.	Panel factory for houses	Oct 22, 96	94,505	Partnership	Money
11107	67.	India, Operating a Lubricants Manufacture Joint Venture Lubricant Manufacturing	Oct 29, 96	128,500	Partnership	Money
18511	68.	Benin, Construction, Solid Waste	Oct 30, 96	50,000 or less	Mission Administered Funds	Money
9954	69.	Sri Lanka, Installation of Siyambalagune Potable Water Project	Nov 1, 96	50,000 or less	Mission Administered Funds	Money
9955	70.	Sri Lanka, Construction of wells for drinking water	Nov 1, 96	50,000 or less	Mission Administered Funds	Money
9956	71.	Sri Lanka, Construction of a community centre in Ganegoda	Nov 1, 96	50,000 or less	Mission Administered Funds	Money
9957	72.	Sri Lanka, Construction of Akkarapattu Sanitary Facilities	Nov 1, 96	50,000 or less	Mission Administered Funds	Money
16969	73.	Provision of water to a Primary School for the Blind	Nov 1, 96	84,406	Partnership	Money

FEAI		Project Description		Environmental Assessment Start Date	CIDA's Dollar Value Contribution to the Project ¹	CIDA Program	EA Trigger
16971	74.	Construction of a High School		Nov 1, 96	81,975	Partnership	Money
9958	75.	Sri Lanka, Construction of latrines in Paratla		Dec 1, 96	50,000 or less	Mission Administered Funds	Money
9959	76.	Sri Lanka, Construction of Udhupitiya micro hydro Electric Power Project		Dec 1, 96	50,000 or less	Mission Administered Funds	Money
16966	77.	Installation of water treatment plant, irrigation systems, upgrading canals.		Dec 6, 96	150,000	Partnership	Money
9433	78.	Set-up of a community Centre		Jan 6, 97	82,000	Partnership	Money
9960	79.	Sri Lanka, Enlarging existing building for Community Centre in Kiriwel		Jan 30, 97	50,000 or less	Mission Administered Funds	Money
9961	80.	Malawi, Construction of latrines, pumps, septic tanks for potable water		Jan 30, 97	1,097,000	Bilateral	Money
15498	81.	Manufacture of steel panels, Indonesia		Jan 30, 97	499,636	Partnership	Money
17446	82.	Moulded Door-Skin Panel Plant		Jan 30, 97	99,842	Partnership	Money
11111	83.	Fiberglass reinforced plastic plant		Jan 31, 97	99,992	Partnership	Money
17092	84.	Construction - day care, Bolivia		Feb 1, 97	51,512	Partnership	Money
16695	85.	Setup of a Soil Research Laboratory, Modification of the laboratory - Thailand		Mar 19, 97	332,504	Partnership	Money
16697	86.	Water Project, 12 km pipeline		March 20 1997	114,542	Partnership	Money

FEAI		Project Description		Environmental Assessment Start Date	CIDA's Dollar Value Contribution to the Project	CIDA Program	EA Trigger
15101	87.	Construction of Maternal and Child Health clinics		Mar 30, 97	6,000,000	Bilateral	Money
11109	88.	Mali, Construction of the extension of a school - Education Plus Committee		Apr 1, 97	1,059,000	Partnership	Money
11110, 16579	89.	Human Resources Development Project, Construction of latrines, aqueducts and irrigation systems.		Apr 1, 97	418,644	Partnership	Money
15074	90.	Promotion of Eco Friendly Renewable Energy for Better Health		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15075	91.	Operating a coffee and pepper producing and processing centre		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15076	92.	Papua New Guinea, Construction of Extension to Fatma Agricultural Centre		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15077	93.	Vanuatu, Construction of classroom in Umeij Village		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15078	94.	Construction of a Plasticcolour plant in Alexandria, Egypt		Apr 1, 97	450,000	Partnership	Money
15079	95.	Construction of embankments to protect 15,000 ha agricultural land		Apr 1, 97	4,650,000	Bilateral	Money
15081	96.	Kiribati, Construction of new classrooms		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15082	97.	Kiribati, Construction of new restrooms		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15088	98.	Nepal, Operation for women empowerment through cooperative and community development project		Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15094	99.	Nepal, Installation of Micro-hydro for integrated rural development project		Apr 1, 97	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description			Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project.	CIDA Program	EA Trigger
15095	100.	Nepal, Operation of Self reliance through savings & credit program	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15096	101.	Nepal, Installation of Development of bio-fuel energy	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15097	102.	Nepal, Maintenance of Conservation of the Ghodahodi lake	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15098	103.	Nepal, Maintenance of Protection and management of a watershed	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15102	104.	Nepal, operation of Fruits & Vegetable production through local resource management	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15104	105.	Sri Lanka, Construction of low cost latrines for 50 families	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15106	106.	Sri Lanka, Operation of New technology for pottery industry	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15107	107.	Sri Lanka, Construction of three pre-schools	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15109	108.	Sri Lanka, Construction of Naambakada community centre	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15110	109.	Sri Lanka, Construction so to provide low-cost latrines for 50 fishing families	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15111	110.	Sri Lanka, Construct 4 agro-wells & renovate small irrigation reservoir	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15112	111.	Sri Lanka, Operation of a Women's Service Centre	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	
15113	112.	Sri Lanka, Installation of 5 agro-wells to cultivate paddy & other food	Apr 1, 97	50,000 or less	Mission Administered Funds	Money	

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's		EA Trigger
				Dollar Value Contribu tion to the Project	CIDA Program	
15114	113.	Sri Lanka, Renovating the Community healthcare centre	Apr 1, 97	50,000 or less	Mission Administered Funds	Money
15105	114.	Sri Lanka, Construction of cow sheds for Dairy Production	Apr 10, 97	50,000 or less	Mission Administered Funds	Money
15108	115.	Sri Lanka, Construction of 5 small community buildings	Apr 10, 97	50,000 or less	Mission Administered Funds	Money
15089	116.	Nepal, Installation to protect and conserve water resources to provide safe water	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15090	117.	Nepal, Installation to implement water supply for potable drinking water	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15091	118.	Nepal, Modification to refurbish of Marpha Community Library	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15092	119.	Nepal, Operation for the enhancement of health and living conditions of female prisoners	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15093	120.	Nepal, Maintenance of drinking water, sanitation and IGAs Project	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15103	121.	Sri Lanka, Construction of multi-purpose community building	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15489	122.	Guyana, Rehabilitation of the The Davis Rose Boy's Hostel	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15490	123.	Guyana, Rehabilitation of the Childrens development Centre	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15491	124.	Guyana, Construction of a multipurpose resource centre in Ameridian Villa	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15492	125.	Guyana, Construction of a multipurpose resource centre in Ameridian Village	Apr 30, 97	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environ- mental Assesm ent Start Date	CIDA's Dollar Value Contribu tion to the Project.	EA Trigger	
					CIDA Program	
15493	126.	Guyana, Rehabilitation of the IDCE Computer Learning Centre	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15494	127.	Guyana, Construction of the multipurpose community centre for middlesex.	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15495	128.	Guyana, Install pipelines in a village	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15496	129.	Guyana, Construction of a Learning Centre	Apr 30, 97	50,000 or less	Mission Administered Funds	Money
15083	130.	Nepal. Expansion for the improvement of socio-economic status through generating act	May 1, 97	50,000 or less	Mission Administered Funds	Money
15084	131.	Nepal, Modification for the support of self help initiatives generating activities	May 1, 97	50,000 or less	Mission Administered Funds	Money
15085	132.	Nepal, Operation to support women develop to invest health sanitation gen activity	May 1, 97	50,000 or less	Mission Administered Funds	Money
15086	133.	Nepal, Construction of a local institutional and capacity building project	May 1, 97	50,000 or less	Mission Administered Funds	Money
15087	134.	Nepal, Installation of micro-hydro plant for electricity	May 1, 97	50,000 or less	Mission Administered Funds	Money
17556	135.	Building Youth Services Communities,	May 1, 97	80,000	Partnership	Money
14566	136.	Production of Cleaning and Maintenance Products	May 13, 97	78,230	Partnership	Money
12535	137.	Trades Institute, Providing the equipment and operating an existing building for training.	Jun 20, 97	66,665	Partnership	Money
17931	138.	Installation of 80 wells	Jun 30, 97	188,721	Partnership	Money

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's		EA Trigger
				Dollar Value Contribu tion to the Project.	CIDA Program	
16578	139.	Environmental Restoration Project, Establishment of a Nursery and Restoration of 700 ha of denuded land	Jul 1, 97	72,000	Partnership	Money
17943	140.	Malawi, Construction of dams for irrigation	Jul 31, 97	27,111,906	Multilateral	Money
13813	141.	Exploitation of Subterranean Water	Aug 1, 97	320,126	Partnership	Money
14365	142.	Integrated Education and Development Program	Aug 1, 97	311,659	Partnership	Money
16584	143.	Manufacturing Overhead Cranes	Aug 1, 97	98,169	Partnership	Money
15099	144.	Malaysia, Construction of a plant to manufacture overhead Demonstrate clean coal burning technology and training in the installation, maintenance and operation of the clean coal processing plant	Aug 30, 97	12,000,000	Bilateral	Money
14366	145.	Processing Plant	Sep 1, 97	49,703	Partnership	Money
17447	146.	Set-up of a Chemical Plant	Sep 1, 97	112,917	Partnership	Money
17911	147.	Kodiak Footwear Plant	Sep 1, 97	266,560	Partnership	Money
16970	148.	Health in Schools, Construction of latrines in 7 schools	Oct 1, 97	19,249	Partnership	Money
17925	149.	Installation of drinking water systems	Oct 1, 97	39,746	Partnership	Money
16693	150.	Nepal, Construction of a gravity water supply system Construction of homes and fish ponds	Oct 3, 97	102,451	Partnership	Money
13814	151.	Manufacturing Sanitary Products	Oct 28, 97	211,130	Partnership	Money

FEAI		Project Description		Environmental Assessment Start Date		CIDA's Dollar Value Contribution to the Project. ¹		EA Trigger	
								CIDA Program	
14368	152.	Manufacture of Diamond Drills		Oct 30, 97		374,940		Partnership	Money
17107	153.	Setup of a Margarine Factory		Nov 21, 97		83,900		Partnership	Money
16587	154.	Production of Chemical Products Packing for Export Trade		Nov 30, 97		219,194 67,147		Partnership	Money
17106	155.	Installation of 240 Wells		Dec 1, 97		672,630		Partnership	Money
17923	156.	Gas to Electricity Project Tanzania, Construction of a gas pipeline to electricity in		Dec 1, 97		2,161,468		Partnership	Money
14567	157.	Construction of a Library		Dec 22, 97		93,902		Partnership	Money
14364	158.	Setup of an Ostrich and Emu Farm		Jan 6, 98		157,290		Partnership	Money
18469	159.	Morocco, Construction to Assemble & exploitation of a factory for live oil bottle		Jan 6, 98		232,494		Partnership	Money
16585	160.	Joint Venture Informatics Mexico, Setting and assembling an electronic informatic unit		Jan 30, 98		90,020		Partnership	Money
15499	161.	Sanitary Centre (showers and toilets)		Feb 2, 98		18,469		Partnership	Money
14367	162.	Yugoslavia, Construction of a model home in Croatia		Feb 15, 98		99,900		Central and Eastern Europe Programs	Money
18171	163.	South Africa, Installation of Laboratory Hydro Metallurgy		Feb 20, 98		450,000		Partnership	Money
16586	164.	Sanitary Center (showers and toilets)		Mar 1, 98		110,019		Partnership	Money

FEAI	Project Description		Environmental Assessment		CIDA's Dollar Value Contribution to the Project.		CIDA Program		EA Trigger
			Assessment Start Date	Assessment Date					
16598	165.	Increasing access to potable water and developing management approaches to water supplies	Mar 13, 98	Mar 13, 98	16,400,000	Bilateral		Money	
18292	166.	Benin, Drilling a large well	Mar 24, 98	Mar 24, 98	50,000 or less	Mission Administered Funds		Money	
16589	167.	Water Project, 17 km pipeline	Apr 1, 98	Apr 1, 98	185,174	Partnership		Money	
17103	168.	Feasibility Study to fabricate partition components	Apr 1, 98	Apr 1, 98	99,946	Partnership		Money	
17448	169.	Shelter Modular Plant	Apr 1, 98	Apr 1, 98	313,200	Partnership		Money	
18289	170.	Benin, Construction of a Module in a Public School	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	
18293	171.	Benin, Bridges and road under repair	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	
18294	172.	Tanzania, Greening the Kahe Division	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	
18295	173.	Tanzania, Pawaga Flood Relief	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	
18404	174.	Tanzania, Storage Water tank	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	
18407	175.	Tanzania, Construction of additional science laboratory	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	*
18410	176.	Tanzania, Tailoring workshop and sewing equipment	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	
18456	177.	Tanzania, Water tanks for harvesting rain water	Apr 1, 98	Apr 1, 98	50,000 or less	Mission Administered Funds		Money	

FEAI		Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project	CIDA Program	EA Trigger
18457	178.	Tanzania, Construction of 3 additional classrooms and completion of a resident		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18458	179.	Tanzania, Expansion of a small building		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18459	180.	Tanzania, Construction of small scale fishing		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18461	181.	Tanzania, Renovation of dispensary buildings		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18462	182.	Tanzania, Completion of 4 additional classrooms		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18463	183.	Tanzania, Completing the construction of a hotel		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18464	184.	Tanzania, Completion of additional classrooms		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18465	185.	Tanzania, Construction of a 5 room school		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18466	186.	Viet Nam, Construction of an irrigation gate		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18467	187.	Viet Nam, Construction in order to build a school near a canal		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18468	188.	Viet Nam, Construction of a 6 room dormitory school		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18470	189.	Sri Lanka, Harnessing a free-flowing fresh water spring		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18471	190.	Sri Lanka, Income generation through water management		Apr 1, 98	50,000 or less	Mission Administered Funds	Money

FEAI		Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project.	CIDA Program	EA Trigger
18472	191.	Sri Lanka, Hostel Facilities for Vocational Trainers		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18473	192.	Sri Lanka, Construction of pens for poultry and water tanks		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18474	193.	Sri Lanka, Construction of houses and latrines		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18475	194.	Sri Lanka, Construction of a 18 -square foot hall		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18481	195.	Sri Lanka, Construction of an irrigation reservoir and sluices		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18482	196.	Sri Lanka, Construction of concrete tanks		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18483	197.	Sri Lanka, Construction of a building		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18484	198.	Sri Lanka, Construction of tanks and pipelines		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18486	199.	Sri Lanka, Construction of concrete tanks and pipelines		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18487	200.	Sri Lanka, Construction of holes for plantation		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18488	201.	Sri Lanka, Construction of toilets		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18489	202.	Sri Lanka, Construction of irrigation reservoirs, dam & sluices		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18490	203.	Sri Lanka, Construction of a tank, pipe and pipes		Apr 1, 98	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project. ¹	EA Trigger	
					CIDA Program	
18491	204.	Sri Lanka, Construction of a community centre	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18492	205.	Sri Lanka, Construction of reservoirs	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18493	206.	Sri Lanka, Construction of Buildings	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18498	207.	Sri Lanka, Construction of a Building	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18499	208.	Sri Lanka, Repair the poultry sheds	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18500	209.	Sri Lanka, Construction of wells	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18501	210.	Sri Lanka, Construction of a Building	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18502	211.	Sri Lanka, Construction of a training centre	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18503	212.	Sri Lanka, Construction of a toilet block and soakage pit	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18504	213.	Sri Lanka, Construction of toilets	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18505	214.	Sri Lanka, Construction of an excavation of 60 pits	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18546	215.	India, Construction of piggery units	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18547	216.	India, Construction of a shed	Apr 1, 98	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project.	EA Trigger	
					CIDA Program	
18548	217.	India, Construction of a Centre	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18549	218.	India, Construction of Bore wells	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18550	219.	India, Construction of a School	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18551	220.	India, Construction of compost pits and greenhouses	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18552	221.	India, Excavation of fifty small ponds	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18553	222.	India, Construction of an Agro Service Centre	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18555	223.	India, Construction of Tube Wells and Sanitation Facilities	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18556	224.	India, Construction of Irrigation Units	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18557	225.	India, Installation of Water and Sanitation Facilities	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18558	226.	India, Installation of a Water and irrigation	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18559	227.	India, Construction of a Building	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18562	228.	Jamaica, Construction of Latrines	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18563	229.	Jamaica, Installation of biological waste treatment facilities	Apr 1, 98	50,000 or less	Mission Administered Funds	Money

FEAI		Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project. ⁴	CIDA Program	EA Trigger
18564	230.	Indonesia, Construction of a water supply an sanitation system		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18565	231.	Indonesia, Construction of a water supply an sanitation system		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18566	232.	Indonesia, Construction of a water supply an sanitation system		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18567	233.	Indonesia, Construction of a water supply an sanitation system		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18571	234.	Pakistan, Construction of sewers		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18572	235.	Pakistan, Construction of rooms and toilets		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18573	236.	Installation, hand pumps, Pakistan		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18574	237.	Pakistan, Construction of excavation of wells		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18575	238.	Pakistan, Construction of a building		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18576	239.	Pakistan, Construction of a science laboratory and room		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18577	240.	Pakistan, Repair the health centre		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18578	241.	Maldives, Operation to cultivate with tools and fertilizer		Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18579	242.	Nepal, Installation of a waste paper recycling plant		Apr 1, 98	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environ-mental Assessment		CIDA's Dollar Value Contribution to the Project		CIDA Program		EA Trigger
			Assessment Start Date						
18580	243.	Nepal, Operation of micro-hydro facilities	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18581	244.	Nepal, Construction of a pond	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18582	245.	Nepal, Operation goat-farming with a veterinary clinic	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18583	246.	Nepal, Construction of water and sanitation facilities	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18584	247.	Nepal, Construction of a building	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18585	248.	Nepal, Construction to build a bridge	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18586	249.	Nepal, Construction of drinking water	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18587	250.	Nepal, Construction of bio-gas plants	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18588	251.	Nepal, Installation of marginal water bodies (wetlands)	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18590	252.	Nepal, Construction of toilets and bio-gas plants	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18591	253.	Nepal, Construction of building blocks	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18592	254.	Nepal, Construction of infrastructure and water pumps	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		
18593	255.	Philippines, Construction of water supply system and watershed	Apr 1, 98		50,000 or less	Mission Administered Funds	Money		

FEAI	Project Description		Environmental Assessment Start Date	CIDA's Dollar Value Contribution to the Project	CIDA Program	EA Trigger
18595	256.	Papua New Guinea, Construction of house, aid post, school and nurseries	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18596	257.	Construction to build 49 flush toilets, Tonga	Apr 1, 98	50,000 or less	Mission Administered Funds	Money
18993	258.	Construction to build boreholes and dug wells hand pumps, Ghana	Apr 1, 98	16,400,000	Bilateral	Money
16696	259.	Training in managing and monitoring food resources to prevent famine, establishing warehouses	Apr 8, 98	6,200,000	Multilateral	Money
18402	260.	Tanzania, Biogas Plant and biolatrines	Apr 10, 98	50,000 or less	Mission Administered Funds	Money
18485	261.	Sri Lanka, Construction of a shed	Apr 10, 98	50,000 or less	Mission Administered Funds	Money
18172	262.	Operation, technology transfer & partnership, Algeria	Apr 24, 98	499,620	Partnership	Money
N/A	263.	Roma Community center development, Slovakia Community Development (Homes, Hygiene)	May 1, 98	350,900	Central and Eastern Europe Programs	Money
18994	264.	Installation of plant which will produce concrete blocks, El Salvador	Jun 30, 98	480,452	Partnership	Money
17105	265.	Housing Project	Jul 1, 98	830,950	Partnership	Money
18507	266.	Haiti, Rehabilitation of a Thermal Power Plant	Jul 15, 98	6,275,535	Bilateral	Money
16694	267.	Heavy Weidments and Components Plant	Aug 6, 98	251,230	Partnership	Money
16579	268.	Dominican Republic, construction of an irrigation system	Sep 1, 98	418,644	Partnership	Money

FEAI	Project Description		Environ- mental Assessm ent Start Date	CIDA's Dollar Value Contribu tion to the Project.	EA	
					CIDA Program	Trigger
17104	269.	Community Development Program, Provision of water 5000 ft pipeline	Sep 1, 98	147,614	Partnership	Money
18506	270.	Ecuador, Installation of an oil and gas manufacture	Sep 1, 98	113,139	Partnership	Money
16588	271.	Construction of a Housing Cooperative	Sep 9, 98	92,000	Partnership	Money
16927	272.	Construction of homes, and schools	Oct 11, 98	160,000	Bilateral	Money
18290	273.	Benin, 600 trash cans and the removal of garbage	Oct 12, 98	50,000 or less	Mission Administered Funds	Money
17555	274.	Construction coastal rehabilitation	Oct 15, 98	20,023,700	Bilateral	Money
16926	275.	Construction of a thermal energy plant	Oct 26, 98	1,500,000	Bilateral	Money
17932	276.	Uganda, Building construction, wells, latrines	Nov 1, 98	50,000 or less	Mission Administered Funds	Money
17936	277.	Uganda, Construction of wells, latrines demonstration plots	Nov 1, 98	50,000 or less	Mission Administered Funds	Money
18173	278.	Tanzania, Kiese District Health Project	Nov 30, 98	173,551	Partnership	Money
17093	279.	Rural Area Development Project, Construct farm buildings	Dec 1, 98	356,841	Partnership	Money
17937	280.	Malawi, Construction of wells, latrines, dams, washing slabs, roads	Jan 1, 99	50,000 or less	Mission Administered Funds	Money
17941	281.	Mozambique, Construction of Boreholes/health post renovation/chicken production	Jan 1, 99	50,000 or less	Mission Administered Funds	Money

FEAI	Project Description		Environmental Assessment Start Date	CIDA's Dollar Value Contribution to the Project	Mission Administered Funds	EA Trigger
17942	282.	Mozambique, Construction of latrines, wells, construction of buildings, water system	Jan 1, 99	50,000 or less	Mission Administered Funds	Money
17944	283.	Construction of school	Jan 1, 99	25,000	Partnership	Money
17930	284.	Set-up of Equipment Rental, Gravel, Culverts	Jan 5, 99	500,000	Partnership	Money
17924	285.	Riverbank Protection and Gully Erosion Control after Hurricane Mitch	Jan 15, 99	100,000	Partnership	Money
18933	286.	Construction, 207 low-cost homes, Indonesia	Feb 14, 99	500,000	Partnership	Money
18931	287.	Construction, marmalade and clothing industry, Ecuador	Feb 25, 99	48,129	Partnership	Money
18932	288.	Construction, school, Brazil	Mar 3, 99	153,128	Partnership	Money
18938	289.	Construction, third floor to an existing building, Peru	Mar 5, 99	41,074	Partnership	Money
18288	290.	Construction of Housing destroyed by Hurricane Mitch, Honduras	Mar 15, 99	100,000	Partnership	Money
18930	291.	Construction, well and electricity, Kenya	Mar 21, 99	118,940	Partnership	Money

Note: CIDA also conducts EAs for projects administered by the missions, these are normally of a smaller dollar value (less than \$50,000) and their Public Registries are located at the mission.



Appendix D

Environmental Assessments Conducted by DFAIT

	EA start date	DFAIT Projects Outside Canada	Location	EA Trigger
1	Feb. 2 1995	Construction of a Chancery	Korea	Section 5 (1) (a) Proponent of the project
2	Feb. 22 1995	Sale of Staff Quarters	Thailand	Section 5 (1) (a) Proponent of the project
3	Feb. 22 1995	Sale of Staff Quarters	Thailand	Section 5 (1) (a) Proponent of the project
4	Mar. 17 1995	Sale of Staff Quarters	Barbados	Section 5 (1) (a) Proponent of the project
5	Mar. 17 1995	Sale of Staff Quarters	Barbados	Section 5 (1) (a) Proponent of the project
6	May 30 1995	Demolition and Construction of a Chancery	Egypt	Section 5 (1) (a) Proponent of the project
7	Jun. 1 1995	Sale of Chancery	France	Section 5 (1) (a) Proponent of the project
8	Sep. 19 1995	Purchase Property and the Construction of Staff Quarters	Hungary	Section 5 (1) (a) Proponent of the project
9	Nov. 1 1995	Sale of Staff Quarters	Brazil	Section 5 (1) (a) Proponent of the project
10	Nov. 1 1995	Sale of Staff Quarters	Brazil	Section 5 (1) (a) Proponent of the project
11	Dec. 13 1995	Sale of Staff Quarters	Great Britain	Section 5 (1) (a) Proponent of the project
12	Dec. 13 1995	Sale of Staff Quarters	Great Britain	Section 5 (1) (a) Proponent of the project
13	Dec. 13 1995	Sale of Staff Quarters	Great Britain	Section 5 (1) (a) Proponent of the project
14	Dec. 13 1995	Sale of Staff Quarters	Great Britain	Section 5 (1) (a) Proponent of the project
15	Dec. 13 1995	Sale of Staff Quarters	Great Britain	Section 5 (1) (a) Proponent of the project
16	Dec. 28 1995	Sale of Staff Quarters	Argentina	Section 5 (1) (a) Proponent of the project
17	Feb. 1 1996	Sale of Staff Quarters	USA	Section 5 (1) (a) Proponent of the project
18	Feb. 7 1996	Leasing Office Space as a Chancery	Bosnia-Herzegovina	Section 5 (1) (a) Proponent of the project
19	Feb. 15 1996	Sale of Staff Quarters	Indonesia	Section 5 (1) (a) Proponent of the project
20	Feb. 16 1996	Sale of Property	Zimbabwe	Section 5 (1) (a) Proponent of the project
21	Mar. 13 1996	Leasing Office Space as a Chancery	Israel	Section 5 (1) (a) Proponent of the project

	EA start date	DFAIT Projects Outside Canada	Location	EA Trigger
22	Mar. 13 1996	Leasing Office Space for the Consul General	USA	Section 5 (1) (a) Proponent of the project
23	Mar. 14 1996	Construction of a New Official Residence	USA	Section 5 (1) (a) Proponent of the project
24	Mar. 21 1996	Purchase of a Chancery	Switzerland	Section 5 (1) (a) Proponent of the project
25	Mar. 25 1996	Leasing of a Chancery	USA	Section 5 (1) (a) Proponent of the project
26	April 15 1996	Leasing of Staff Quarters	Ukraine	Section 5 (1) (a) Proponent of the project
27	Apr. 30 1996	Sale of an Official Residence	Germany	Section 5 (1) (a) Proponent of the project
28	May 9 1996	Purchase of an Official Residence	Senegal	Section 5 (1) (a) Proponent of the project
29	Jun. 13 1996	Termination of a lease	Netherlands	Section 5 (1) (a) Proponent of the project
30	Jun. 19 1996	Sale of Parking Spaces	Portugal	Section 5 (1) (a) Proponent of the project
31	Jun. 20 1996	Sale of Staff Quarters	Jamaica	Section 5 (1) (a) Proponent of the project
32	Jun. 20 1996	Sale of Staff Quarters	Jamaica	Section 5 (1) (a) Proponent of the project
33	Jun. 22 1996	Sale of Staff Quarters	Chile	Section 5 (1) (a) Proponent of the project
34	Dec. 20 1996	Construction of a Chancery	Kenya	Section 5 (1) (a) Proponent of the project
35	Mar. 27 1997	Sale of Staff Quarters	Trinidad & Tobago	Section 5 (1) (a) Proponent of the project
36	May 9 1997	Sale of Staff Quarters	Poland	Section 5 (1) (a) Proponent of the project
37	Jun. 4 1997	Sale of an Official Residence	Singapore	Section 5 (1) (a) Proponent of the project
38	Jul. 1 1997	Construction of a Chancery	Haiti	Section 5 (1) (a) Proponent of the project
39	Aug. 28 1997	Sale of Staff Quarters	Jamaica	Section 5 (1) (a) Proponent of the project
40	Aug. 28 1997	Sale of Staff Quarters	Jamaica	Section 5 (1) (a) Proponent of the project
41	Feb. 1 1998	Construction of a new Compound	People's Republic of China	Section 5 (1) (a) Proponent of the project
42	June 1 1998	Leasing of Staff Quarters	Russian Federation	Section 5 (1) (a) Proponent of the project.